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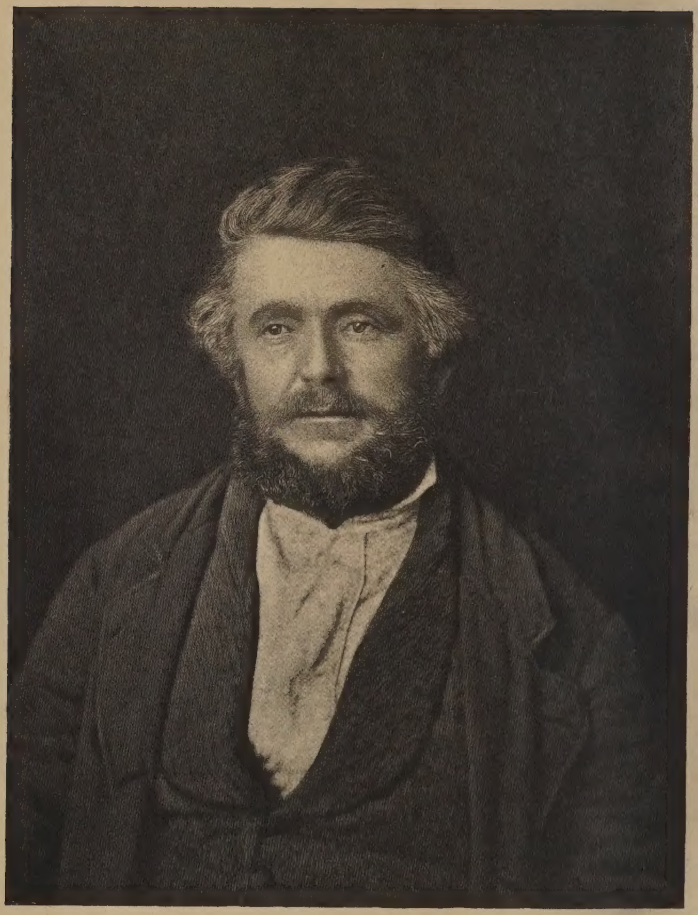

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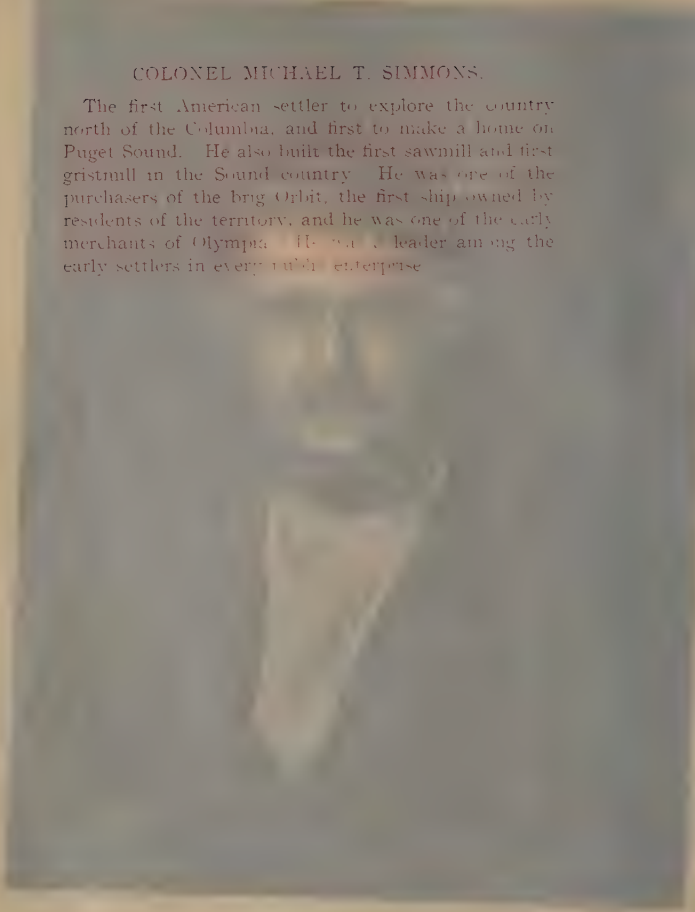

COLONEL MICHAEL T. SIMMONS.

The first American settler to explore the country north of the Columbia, and first to make a home on Puget Sound. He also built the first sawmill and first gristmill in the Sound country. He was one of the purchasers of the brig Orbit, the first ship owned by residents of the territory, and he was one of the early merchants of Olympia. He was a leader among the early settlers in every public enterprise.

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History of Washington

The Rise and Progress of an American State

By
CLINTON A. SNOWDEN

Advisory Editors
CORNELIUS H. HANFORD, MILES C. MOORE, WILLIAM D. TYLER
STEPHEN J. CHADWICK

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Chapter XXXV.

THE PERILS AND TRIALS OF THE TRAIL.

INDEPENDENCE ROCK was a landmark on the trail that nearly all of the pioneers remember with pleasure. This vast mass of stone, more than half a mile in circumference and three or four hundred feet in height, could be seen for a long distance before they reached the mountains on the eastern side. When they reached it they made an event of their arrival. Thousands climbed up its sides as far as they could go, for a last look at the plains they had conquered, and a nearer view of the mountains they were yet to assail. Thousands inscribed their names and the date of their arrival on its rugged face. "Everybody," says one writer, "who had a chisel or a tar bucket, or anything that would cut, carve, paint or make a mark of any kind, left his name, or initials, on some one of the faces of this great rock." It came to be a sort of news center for the emigrants, and they studied it for hours together, hoping to find, and often finding, the names of friends they knew to be in advance of them.

The Indians on the west side of the mountains were quite as annoying as those on the east side, and in places far more dangerous. Many were murdered by them. In a few cases whole families were killed.

Late in 1851 the family of Walter G. Perry, and three other families with two unmarried men, in four wagons, were traveling together near White Horse Creek in Idaho. The larger train, with which they had come most of the way, had been divided in order to find better grazing for the stock, the large number of teams which had preceded them having eaten the grass so close that theirs were finding but scanty pasturage. Early in the morning, perhaps an hour after they had left camp, they saw an unusually large number of Indians approaching, some on horses and some on foot.

Miss Kirkland, who was riding in advance of the party on horseback, abandoned her horse and hurried back to the wagons on foot. The Indians followed, and spreading out their arms and blankets in front of the oxen brought them to a halt. They demanded whisky and, on being told there was none in the party, began to make other demands. While Perry and his brother-in-law, George Lake, were parleying with them, they opened fire, shooting Lake dead on the spot, and wounding Perry through the right lung, and Empson Cantrell, one of the young men, in the abdomen. The other men in the party then got their guns and fired at the Indians, who retreated out of range, but followed the party for several hours, endeavoring to stampede their stock, and particularly their horses. It was then proposed to give them the horses if they would make no further trouble. To this they assented and taking the horses rode away. It was afterwards ascertained that there were two renegade white men with this party, but, being dressed and painted as Indians, the fact was not suspected at the time. "The wagon that carried the shovels and other implements, known as the tool wagon," says Mrs. Frost, who was Mr. Perry's daughter, "was with the big train, and we had nothing with which to dig graves for the dead, nor did we dare to bury them, as we were afraid of another attack. Hence we carried the bodies until the third day after the attack, when decomposition had advanced so far that we were forced to bury them. We had been compelled to keep fires burning at night about the wagons in which they lay, to keep the wolves away from them. Wooden spades were improvised, a shallow grave dug and both bodies buried in it. We overtook the big train on the afternoon of the following day, and my father died about 10 o'clock that night, after having

INDEPENDENCE ROCK.

This famous landmark was long remembered by all the immigrants who crossed the continent by the Oregon trail, either to Oregon or California. Thousands of them wrote or engraved their names upon its face, and many left messages there for friends who were following them, so that in time it came to be a veritable post-office of the plains. The picture is from a drawing made in 1849, to accompany the report of the quartermaster of the Mounted Rifle regiment.

suffered untold agonies for four days, and begging many times to be killed and put out of misery. We dare not stop, and the jolting of the wagon was almost unendurable to him."

A man named Clark, who was bringing a drove of thirty or more fine horses with him, and whose wife and daughter traveled in a carriage, while he and his son, still a boy, were most of the time on horseback, crossed with the train with which Hugh Crockett came in 1851. As the grass was short where they camped one night, the boy started the horses on ahead of the train next morning, hoping to find better feed for them. Mrs. Clark and her daughter followed in their carriage. About noon they came to a place where the grass seemed inviting, and they determined to halt and let the horses graze until the train came up. As there was no hint that Indians were in the neighborhood, the boy went down to the river bank to fish, while his mother and sister disposed themselves to rest. He had only been gone a few minutes when the Indians came upon them and shot Mrs. Clark dead, wounded the girl, and left her for dead. The boy, hearing the guns, rushed up the bank and was shot dead. His sister survived the frightful treatment she had received and was brought through to Oregon.

A more horrible massacre was that of the Ward party in 1854. This party was composed of several families, all or most of whom were related. They had separated from the main train and gone ahead of it. The night before the massacre, some cattle were stolen from the main train and Alexander Yantis, afterwards well known in Thurston County, and five other men were sent out to discover and recapture them. While following the trail of the robbers, they came upon the camp of the Ward party, which they found in the greatest confusion, everything indicating that

a bloody battle had only recently taken place there. The still warm and bleeding bodies of nine white men and seven Indians lay among the wagons where they had fallen. The party had been surprised while at dinner, and some of them killed before they could make any defense. The others had fought heroically. A young man from Massachusetts named Babcock had fallen close beside the bodies of two Indians, both of whom he had apparently killed in his own death-struggle. The body of Robert Ward lay close beside that of his son, while near them were the bodies of two dead Indians. All the men in the party had been killed, but the women and children had been carried away and reserved for a worse fate.

Yantis and his party started out to pursue, and if possible rescue them, but found this impossible, as the Indians too greatly outnumbered them. They came near enough to the party to have a short battle with them, but were compelled to retire after exchanging a few shots. During the battle they could plainly hear the cries of the captives imploring them to save them. It was subsequently learned that one young woman broke away from her captors and was shot. A married woman met a similar fate. Two or three children were burned to death before the eyes of their mothers, after which the women themselves were tortured by hot irons thrust into their flesh, and by all the devices which savage cruelty exults in.

Some of those who were thus carried away as captives were never afterwards found or heard from. The bodies of those who were tortured and burned to death, or murdered in other ways, were subsequently collected, and together with those of the men were buried in one common grave on the spot where the party had made their last camp.

When Yantis and his men returned to the camp after their vain effort to rescue the women and children of the unfortunate party, they heard a child's voice calling them feebly from the bushes near by. On going to the spot they found a nine-year-old boy, named Newton Ward, who had been badly wounded and left for dead. He said he had held his breath when the Indians came to look at him, hoping they would think him dead. Taking the wounded boy in their arms they returned to the train, though the pain from his wound was such that he begged to be put down and left to die. He subsequently recovered and came safely through to Oregon, where he grew to manhood. His brother, a few years older, had a much more miraculous escape. He was shot through the right lung with an arrow, which passed so near through his body that the point could be felt under the skin of his back. Thus wounded he managed to make his way to Fort Boise, a distance of nearly thirty miles, living meanwhile for several days on roots and berries, and suffering terribly from his wound. There the arrow was extracted by cutting through the flesh to its point and drawing it through his body. He also recovered. These brothers were the only survivors of the Ward party.

When news of this massacre reached the Dalles, Major Rains, then in command of the military post which had been established there, dispatched Captain Haller, Lieutenant McFeely and Dr. Suckle, with twenty-six enlisted men, to punish the murderers if possible, and provide protection for any belated emigrants who might still be on the trail. On the march they were overtaken by Captain Olney, a brother of Judge Olney of Oregon, who had started out in command of a party of thirty volunteers, and the number had been increased by several emigrants who had joined them on the march.

As rations had not been provided for so great a number, and the supply train which followed them was delayed on the way, both regulars and volunteers were compelled to subsist for some days upon smoked salmon, and the horses captured from the Indians. Upon arriving at the scene of the massacre, or near it, the command arrested four Indians who were pointed out as having taken part in it. They were examined before a court of inquiry, organized for the purpose, where they explained what had taken place and the share that each had taken in the massacre. All were found guilty. One of them tried to escape, and was shot by the guard, and the other three were taken to the spot where their bloody work had been done, and hanged on a gallows erected close to the melancholy mound that covered the charred and blackened bones of their victims. Later a small party of the hostiles were captured and two of them were shot while trying to escape. All the others fled on the approach of the troops to their camp, abandoning their lodges, in which a large part of the goods of the murdered party, including clothing and camp outfits, were found. They were pursued with vigor by Captain Olney's volunteers, but managed to hide their trail so effectually by following the beds of shallow streams for long distances, that pursuit was fruitless, and the main body of the murderers escaped.

The train with which Mary Hagar, afterwards Mrs. George Wanch, came was attacked and eight of the party killed and scalped. Among the number was Margaretta Kiel, a cousin of Mrs. Wanch, whose father was captain of the train. She had very long and beautiful hair. A few days after the massacre, a party of Indians came up with the train, and one of them had this girl's scalp fastened to his shoulder,

with the long and beautiful hair wound about his neck. Capt. Keil was one of the first to recognize the bloody trophy. He shot the Indian and recovered it, but was himself wounded in the encounter, and a brother of Mrs. Wanch was killed.

This party was almost wholly composed of Germans, who had crossed the ocean only a few years earlier and settled in Missouri. Some of the company were musicians and they brought their instruments with them. This was perhaps the first brass band to cross the plains. One of their wagons also brought a strange burden. A brother of Mrs. Wanch was taken sick and died while the party were preparing for their long trip. As a dying request he begged the family not to bury him and leave him alone in the country they were leaving, and the father promised that he should not be left there. So a metallic coffin was procured and the body carefully sealed up in it. It was brought through safely and buried in the Willapa Valley, where the family spent the first year after their arrival. They afterwards removed to Oregon.*

After crossing the Missouri the travelers were beyond the reach of the law and its protection. It became necessary that they should be a law unto themselves. Each train made its own regulations, and appointed those who were to enforce them. In this way good order in most cases was maintained throughout the journey. Property and life were protected, and offenders both of the lesser and greater sort, promptly punished. The "vile outcasts" of whom Parkman speaks, and some others whose characters and habits were not of the best, intruded themselves among those to whom their company was not wholly agreeable, but they were usually promptly disposed of. If they were

* Sept. 23, 1892.

simply lazy, if their habits were filthy, or if they became abusive or disagreeable, they were given notice to quit the train, and if they did not go promptly a few rifles were produced, and the exact number of minutes was fixed beyond which their presence would not be tolerated. They rarely exceeded the time limit in getting out of range. If they insulted the women, the ox whips of the party were applied with excellent effect. If the offence was a particularly grievous one the offender was first tied to a wagon wheel, where every whip in the train was applied to his back and shoulders, after which he was turned loose and as many more lashes were laid on as could be administered without too great effort, before he got out of reach. All capital offences came strictly under the jurisdiction of Judge Lynch, but so far as known trials were always orderly and conducted with due decorum. A jury was impaneled, the accused was heard in his own defence, or by counsel, if any could be found to defend him. The jury then deliberated and returned its verdict. If unfavorable, the guilty party was promptly shot or hanged. J. W. McCarty saw one of these executions at Council Bluffs.* An unmarried man had murdered and robbed his employer of a considerable sum of money. The money, in bank bills, was found on the accused when arrested, and was identified by the dead man's partner. The trial took place the evening after the murder, and execution followed immediately. C. B. Talbot says one man in his train was burned at the stake in 1849,* but what his offence was he does not say. Mrs. Nancy Thomas says the people in her train in 1852 were surprised one day, when on the upper waters of the Sweetwater, to find a white child, with flaxen hair and very light blue eyes, in the keeping of some

* "Tacoma Ledger," Oct. 16, 1892.

Indians who were camped near the trail. A little farther on they found more Indians who had four other white children, all very small, and which had apparently all belonged to the same family. Upon investigation they found that a man and his wife had been murdered by a man they had employed to drive one of their teams, who had robbed them of their money and given their goods, or most of them, and their little children to the Indians. A search for the murderer, among the trains in advance, was immediately organized. The older children were able to give such a description of him that he was easily identified. Within a few days he was captured and hanged. The executioners did not wait to give the body burial, or even to take it down from the gibbet, but placing a card near it indicating the enormity of his crime, they left it to the crows and the elements.*

Edward Hanford's family found a man on the trail one day who claimed to have been abandoned by the people he had been traveling with, because he was sick and no longer able to work. He was a woe-begone creature, and was evidently in distress. Mrs. Hanford had for three or four weeks previously been nursing a woman who had typhoid fever, but she had then so far recovered that she could be taken to another wagon. A bed had been fitted up for her, by suspending it from the bows which supported the wagon cover, in such a way that it swung back and forth as the wagon rocked, but without hitting its sides. The sick woman had found it very comfortable. Now that she no longer required it, it was given to this sick stranger, who had no claim of any sort on the family, except that he was a human being in sore need. Mrs. Hanford and her husband nursed

* "Tacoma Ledger," Nov. 13, 1892.

him back to health, and when he was strong enough they hired him to help drive their cattle. Not long afterwards they were awakened one night by an unusual noise, and found that the side of their tent had been cut open and a small trunk, in which they had some money, and valuables of various kinds, had been dragged through the opening. They had been awakened just in time to prevent the thieves from making away with it. The tramp whom they had nursed back from sickness to health, and a boy who had come with them thus far as an employee, were the culprits. The latter was forgiven after he had made a confession in which he stated that the tramp, who had given the name of John Christy, had persuaded him to help him in the robbery. The men in the train condemned Christy to be shot, but the women reversed that judgment and he was permitted to escape. Some years later the Hanford family learned that a John Christy, who was probably the same who had attempted to rob them, had been hanged in San Francisco.

Edward Jay Allen saw a man hanged in 1852, who had brutally murdered another who had been in his employ. They had quarreled about one of the thousand things that caused men to lose their temper among such surroundings, and a few days later, when everybody thought the quarrel had been forgotten, the two went out together one afternoon to try and shoot some elk, and the employee never returned. A day or two later search was made for him and his dead body was found. He had been shot in the back, and his head had then been beaten to a pulp with his own gun. The murderer was confronted with the body of his victim and confessed his crime. As there were several trains in the neighborhood, a court and jury were selected from among those who had never known either the murderer or

his victim. The story of the quarrel and the crime, including the confession of the accused, were recited. A few of the members of his own train said what they could about the murderer's previous character, and then the jury pronounced him guilty, and sentenced him to be hanged. He pleaded hard for his life; begged that they would inflict any punishment but death; that they would send him out alone on the plains, without food or arms, to make such a fight for life as he might—even that they would cripple him and then let him go. His wife also pleaded for him, and brought her children to add their petitions to hers, but although they were given a respectful hearing their prayer was not granted. The jurors felt that they had a stern duty to perform. They must either ignore the brutal crime, or inflict such punishment as the laws with which they were familiar provided, and their own safety as well at that of all other travelers such as they were, required that they should not ignore it. Two wagons were placed close together, facing each other; their poles were erected and tied together at the top, and on this improvised gallows the murderer was hanged by the neck, until he was dead. His widow and children became the wards of the train for the remainder of their journey.

During all the weary weeks of their journey the travelers were tortured by swarms of mosquitoes at night, and at times by swarms of flies by day, that were equally or even more annoying. Poisonous reptiles and equally poisonous insects invaded their camps, and sometimes crept into their beds. The plagues of Egypt seemed to have returned. They were sick and needed medicine and none was to be obtained. Sometimes they required the services of a surgeon, and although there were doctors with some of the trains, many were without them. Hugh Crockett saw a little sickly

boy at Council Bluffs who could no longer walk because of a swollen and badly inflamed knee. Before starting he had been treated by a doctor who thought the leg would have to come off, but the operation had not been performed. The doctor, who was going to Salt Lake, overtook the family while they were waiting to cross the river by the ferry, and it was decided to go on with the operation there. It did not seem possible that the little sufferer would survive it. No anæsthetic was given him; there was none to give. The couch on which he lay was carried outside the tent by two men, who held him while the doctor, with a common butcher's knife and a carpenter's saw, cut the leg off at the thigh. The boy survived, made the long trip in safety and grew to be a healthy man. His name was Stephen Rudell, long a resident of Thurston County.

Death in all of its terrible forms continually hovered along the way. The exposure of the camp and the trail was fatal to many. That "inevitable despondency" of which Prof. Royce speaks,* as inseparable from the earlier experience of life in camp, and which was intensified by the monotony and solitude of the plains, was with some the beginning of the end. They perished from sheer despair. Some were killed by accidents, and some drowned. Two men in Mrs. Geer's party were drowned in Snake River in 1847; one left a wife and three small children, and the other a wife and six children, the oldest scarcely yet able to be helpful to their widowed mother.†

Many died of diseases, some from drinking the poisonous alkali water, and some simply from the fear of death. During

* "California." American Commonwealths series.

† Diary of Mrs. Elizabeth Dixon Smith Geer, Transactions Oregon Pioneer Association, June 1907.

the terrible cholera years, 1852 and '53, but particularly in 1852, when the plague followed nearly every train until the pure air of the mountains gave them relief from it, deaths occurred almost daily in every party. "It went through the train like a prairie fire," says A. R. Hawk, "and left its victims in unmarked graves on the plains by hundreds. I counted as many as twenty and twenty-five new graves in one day. Of the many large families that the cholera attacked that year, but few reached the end of their journey entire."* "In one camping place," says Meeker, "we counted fifty-odd fresh graves, none of which bore date of more than the previous week." "One day," says Hester E. Davis, "we came across several graves of our own acquaintances, who had started west the year before we did and, as we then first learned, had perished by the way."† "I shall never forget the suffering we experienced," says Thomas S. Law, "nor the marks of suffering left by others who had preceded us, in the form of hundreds of graves, which were in most cases shallow, and nearly all of which had been disturbed by wolves."‡ Mrs. Norton H. Ellis counted eight graves at one place in 1852, on which the dirt was not yet dry.§ C. B. Talbot says, "A man would drive his team, apparently as well as usual one day, and the next be dead. Everyother tent was a hospital."‖ Urban E. Hicks' party found in one place the graves of one woman and her two small children and several men, which had been opened by the wolves or Indians, and the bodies left exposed. They reburied them

* "Tacoma Ledger," Sept. 25, 1892.
† "Tacoma Ledger," July 17, 1892.
‡ "Tacoma Ledger," July 17, 1892.
§ "Tacoma Ledger," Sept. 25, 1892.
‖ "Tacoma Ledger," Oct. 16, 1892.

and moved on. "I knew a man," says J. B. Knapp, "driving his team today as usual, and so far as his companions knew, there was nothing the matter with him, but that he did not feel as well as usual, and before morning a corpse. We buried him, yoked up and moved on. Men died leaving wives and children to be cared for by their companions on the journey. I knew one instance where both father and mother died, leaving a family of six children, the eldest a boy just entering his teens, to pursue their journey as they could. I knew of no instance of this kind where the survivors were not kindly cared for, and assisted along their journey by their companions." R. Griffith saw a woman with one small child, making her way with her ox team unaided. Her husband had died on the road. "Sad scenes were those," says Mrs. H. E. Davis, "when people were detained by sickness until out of provisions. Often they begged us for food for the starving, and we would share our bread and coffee with them, until finally we had to close our ears to all appeals, to keep enough for ourselves. The further we traveled the more scant and meagre became our fare. Our bread and bacon, coffee and milk came to be our sole food, nothing fresh being obtainable. Our parents were worn out and discouraged, and the children often cried from weariness."

Sherwood Bonney's story is a particularly sad one. "On August 4th," he says, "we crossed the Snake River without accident, and, putting our wagons together pursued our way as usual, until 4 o'clock in the afternoon, when my little son, Alvin, was taken violently sick with cholera. Nothing seemed to do him any good, and he died next morning. It was sad, indeed, to lay him down for his last sleep in this wild place, but we had no alternative—the Indians gave us

no chance to stop—so we must push on to keep out of their way. The others became sick—my brother Timothy Bonney, and his little daughter, aged two years. We did all we could for them, but after a few days of suffering they died, on the 8th of August, and we buried them near our path, as well as many others, who were strangers. There was neither comfort by day, nor rest by night. Two of my little boys were very unwell, and it was not wonderful that my dear wife, worn and fatigued with the long journey, and with weary watching and sorrow, should be the next victim. The situation seemed very hard; everybody was frightened at the cholera and the Indians. We could not stop alone, and none were willing to face death and the Indians with us, so we struggled along, sick and sorrowful, until we had crossed the river the second time, and had a hard drive to reach the next camp after dark, where we could get water. That was a dreary and hopeless night, as I watched my dear wife, the companion of my early years, battling with disease and yielding up that hope that had sustained her through many trials. She lingered till about noon next day, August 14, when she breathed her last, and left us almost alone to perform the sad rites of burial. Most of the company had hastened on. Mr. Fisk and August Lewis were, with their wives, kind enough to stop with us until it was over. We buried her on a little mound beneath a tree, and smoothed it down as well as we could lest the Indian might disturb the grave."

Mrs. White and her friends found a family in the Grand Ronde Valley, who had fallen behind the train with which they had been traveling, and were in a most desolate condition. The mother was very sick and could go no further. Her son, a young man, and a little girl were with her, two

other little girls of the family having died a few days previous. "The woman said to me in the morning, when we were going to leave the valley, 'You will not leave me, will you?' and I told her I would not, answering without thinking of the consequences. When our company came to talk it over they decided that provisions were too scarce to think of remaining. Mr. Rice, the son of the dying woman, said for them to go on, and he would let those who would remain have horses, so as to catch the train, so Dr. Spinning, Millie Stewart, Dr. Bartlow, Lecretia Redding and myself stayed with Mrs. Rice. She died that day and we buried her, and started on to catch the company, which we did the next day."

Rev. A. J. Joslyn's party found a man with three children in Burnt River Canyon, the oldest aged about ten years, and the youngest a baby. The mother was dead, and they had lost all their animals but one ox. It was impossible for them to go on, in the condition in which they were, and the father was almost desperate. A collection was taken up and another ox bought for him, which enabled him to pursue his journey. Hundreds of equally pathetic incidents occurred. In one case a little girl, all of whose family were dead, was left to drive the ox team through to the end of the journey. But in every case of this kind the travelers willingly gave such aid as they could, and none were abandoned or left entirely desolate.

As the Joslyn party were floating down the Columbia, near the end of their journey, they were forced to land and make camp on the north bank of the river not far from Fort Vancouver, as a storm was coming up. It grew dark, and began to rain soon after they had got their fire started. Another party, none of whom they knew, but who were

making this last stage of their long journey on a raft which they had themselves constructed, soon came to the shore, and the Joslyn party helped them to land. A woman handed Mrs. Joslyn her baby to hold while she procured some necessary articles from the goods on the raft, and as soon as the latter received it, she said to her daughter who was standing at her side, "The baby is dead, and its poor mother does not know it." This was true; the poor infant had died in its mother's arms, while she was watching the struggles of the rowers to reach the shore and save themselves from the river and the storm. It was necessary to bury it at once. There was nothing at hand from which a coffin could be made. It was difficult, in the thick darkness which prevailed everywhere a few feet from the fire, to find a place suitable for a grave, but by feeling along the rocky bank they found a place where the shale could be scooped out with their hands, and so they made a grave there, and the little one was laid at rest.

For many weary miles, particularly along the Snake River, the road looked smooth and inviting enough ahead of the teams, and yet it was only an interminable series of ruts, which were filled with fine, impalpable dust, in which the oxen sank to the knees and the wagons to their hubs. The sick, who were kept to their beds in the wagons, in this part of the journey suffered terribly. The jolting and rolling of the wagons was torture to them. The thick dust, stirred up by the wheels and the weary feet of the animals and their drivers, nearly suffocated them. The heat was at times intolerable. Often it was impossible to get water to bathe their faces, or cool their parched and fevered lips. The members of the family who were not sick were obliged to walk, so as to relieve the distressed animals as much as

possible, and some thus died within the sound of voices of their own parents or children, and yet alone, and without the clasp of a friendly hand, or a soothing word of solace in the last terrible moment. Colonel E. J. Allen tells of one poor woman who was found dead in her wagon at Fort Boise, and so thickly covered with dust as to show that she had been dead for some hours, and yet her husband and children did not know it until they reached camp. They had been too much exhausted or too negligent to give her attention, even in her dying hour.

And yet in the presence of all this suffering and sorrow, human beings were found who were quite willing to take advantage of the necessities of these sorrowing emigrants in order to make a little money. Colonel Allen tells of one of these who had set up a booth, where he sold bread, flour, bacon, cakes and pies, near the crossing of Snake River at Fort Boise. Colonel Allen and the Meeker brothers, Ezra and Oliver, established a ferry here and maintained it for some time; until Allen bought his partners out. He heard the emigrants complaining of the prices the man was charging for what he had to sell, but neither he nor they felt called upon to interfere with his business, until a poor widow came along with a family of small children, the oldest a girl of thirteen. Her husband had died during the journey. She was compelled to stop for a few days at the fort to recruit her teams, which were nearly exhausted, and as trains were then numerous all along the trail, the people with whom she had traveled thus far went on without her, knowing that she would find other people who would help her as much as they could, among the trains behind them. But she was nearly out of provisions and had but little money. Her thirteen-year-old girl sought employment of this merchant,

FORT BOIST.

The blockhouse was erected during the Indian war, near the present site of Boistfort in Lewis County. The cut is printed by permission, from the "History of the Puget Sound Country," by Col. William Farrand Prosser.

in her dying hour.

thirteen. Her husband had died during the journey. She was compelled to stop for a few days at the fort to recruit her teams, which were nearly exhausted, and as trains were

who allowed her a beggarly pittance to bake pies for his booth for a few days, and at the same time charged her mother higher prices than he required grown men to pay for his provisions. This the girl quickly discovered, and made complaint to Allen, or some of the other emigrants who had taken an interest in her case. It required only a statement of her grievances to secure their correction. A party was quickly formed; the booth was visited and its proprietor compelled to make ample restitution to the widow of all, and perhaps more than he had extorted from her—for the emigrants were not disposed to make nice calculations in adjusting matters of this kind—and then he was told to gather up what he had left and make off with it, which he was only too glad to do.

Allen subsequently found several traders of a similar kind doing business along the trail between Fort Boise and the Dalles. How many of them made a final profit by their extortions none can now know. Some certainly did not. There is a limit beyond which such brutal exactions cannot always be carried with safety, and even the most experienced extortioner cannot always fix it at the furthest verge with that nicety which a soulless avarice suggests. Hungry men are sometimes hungrier than they look, and during these trying years it was not possible to tell by the looks of men how hungry their wives and children were. When mistakes were made with such men, the results were disastrous to those who made them.

Among all these trials there were some, not so tragic in character, which displayed the vices and the virtues, the passions and affections of men and women in most curious and remarkable ways. Colonel Allen, in his manuscript, which well deserves to find a publisher, tells of finding a young

couple on the trail somewhere between the Umatilla and the Dalles, who had been left there by the train with which they had so nearly completed their long journey. They had a few household goods, but almost no provisions, and they were absolutely without means of going farther except on foot, unless they could arrange with the owner of some jaded team who might still overtake them, to take them in. It was evident that they had only recently been married—perhaps just before starting. The man was despondent, but the woman was defiant, and even heroic. Had her little stock of worldly effects been larger, and had she been seated on top of it, instead of beside it, she would have suggested heroism on a monument facing all the world with defiance.

The husband was trying to arrange with those who were going by to take them in, but so far had met with no success. Allen's teams were too far gone to make it possible for him to give them assistance, and he had for a week or more been living on less than one full meal a day. But a packer had fallen in with him, some days earlier, who had several pack animals without loads, which he was taking down the river for a stock of goods of some kind. Allen at once saw what might be done, and he took enough interest in the pair to help them make their arrangements with the packer. The young man had no money; he had no goods to spare; the best he could do was to promise to pay when he could earn the money—to work for the packer until he had paid him, if he had any employment to offer. Allen had a little money left, and he proposed to make a loan of part of the sum needed if the packer would wait for the rest, and a bargain was arranged. The next thing was to get the goods on the backs of the animals, and in such shape that they could carry them.

This was a work of no small difficulty, and the owner of the animals often swore, with a form of oath peculiar to the vast solitudes in which he had long resided, that such a thing as this or that piece of furniture had never been fastened to a mule's back before. At the bottom of the little heap was an iron Dutch oven, weighing probably forty or fifty pounds, and at this the packer stood aghast. It was simply impossible. His vocabulary of profanity, large as it was, was now nearly exhausted, but by all that remained of it he protested that he would never ask any self-respecting animal of his to carry it, and there was and must be an end of the matter.

Here the young wife became heroic again. The oven must go or nothing should go. All the packing might be unpacked. She would stay there on that desolate, dusty road as long as life remained to her, or the oven should go if she went.

Allen now saw, or began to see, what the trouble had been—or at least he believed he did. So taking the husband aside he said: "Can your wife make bread?"

"Can she make bread?" he retorted, indignation now beginning to get the better of his anxiety. "She can make as good bread as you ever ate, and she is proud of it. Her mother gave us that oven when we were married, and she will never part with it. That's why we were put out of our train. One thing after another had been thrown away to relieve the teams, and finally their owner insisted that the oven had to go, and we had to go with it, for she would not leave it."

Allen returned to the packer and opened new negotiations, which were at last successful. At the first camp the oven was unpacked and some bread was made. The packer ate of it until it seemed possible that a new baking would be

required before the journey could be resumed, and thenceforth there was no trouble about the oven. Even the mule seemed to carry it willingly.

Those who arrived latest each year suffered more or less from lack of provisions. Some went hungry for many weary miles. Their teams were so nearly exhausted that their progress was necessarily slow, and there was no means of replenishing their scant stock of supplies except from the soulless traders, and even these could not furnish all with what they required. Now and then a fish might be caught, or procured by trade or purchased from some Indian, and sometimes edible roots or berries were found, that in some degree supplied the place of the food to which they were accustomed. But none starved. Each year, after the first settlers had arrived, relief parties were sent out both from the Willamette and the Sound, with sufficient supplies for all so far as they could be reached.

With such toil, privation, sorrow and danger was this wonderful journey made by these heroic settlers. And finally when their jaded teams could drag them no further; when they were themselves worn out with the trials and privations of their journey; when their fainting hearts could hardly longer sustain them; when they had strewn the long road over mountains and plains, from the Missouri to the Sound, with their goods, and marked it with the graves of their dead, they reached the end of their journey. The oxen were unyoked for the last time. The last camp fire was extinguished. The few remnants of their goods that their wagons contained were unloaded at the door of some hospitable settler, and they prepared to look about them for the homes that were to repay them for all they had done and suffered.

Chapter XXXVI.

THE SETTLER'S CABIN.

"What went ye out into the wilderness to see?"

THE question, slightly changed in form, has been asked a thousand times of the pioneers, and to it they have given various answers, but rarely have they been such as would satisfy the ordinarily prudent mind. Few of them have perhaps been satisfactory to themselves. Why did they come two thousand miles through a wilderness, over mountains, across burning deserts, exposing themselves, and their wives and children, to a thousand dangers, seen and unseen—to storm and flood, to accident and disease, to attacks by marauding savages and prowling wild beast, to the insults of outcasts who were worse than savages, to starvation and death? They were not crowded out of the places where they were. They could scarcely hope to find a richer or a fairer country than was lying all about them. For hundreds of miles through Iowa and Nebraska the feet of their oxen and the wheels of their wagons cut deep into ground as fertile as any on the earth, and as easily cultivated. Mrs. Elizabeth Dixon Geer of Yamhill County, Oregon, kept a diary while on the way out in 1847, in which she noted on May 1st: "Passed through Princeton, Bureau County, Ill.; rich soil; hundreds of acres not owned or cultivated by any one." Eastern Iowa was but sparsely settled; in its western part there was scarcely a human habitation save the wigwam of the Indian. In all of Nebraska and Kansas, the greater parts of which are now covered yearly by fields of waving corn in which a man on horseback may easily conceal himself, and in all of the Dakotas, now among the most productive wheat States in the Union, there was not yet a single settler. Iowa had not population enough to form a State until 1846, nor had Wisconsin until 1848, nor

Minnesota until ten years later. Illinois, which many of the settlers left to seek new homes in Oregon, had less than one-fifth as many people in 1850 as it was shown to have by the census of 1900; Missouri had a little more than one-fifth, and Indiana about one-third, as many.

It was not then because of overcrowding that people were seeking new homes in a distant country, and at so great a risk. It was perhaps, to some extent, because profitable employment was not then as easy to find as now. The use of steam, the invention of machinery, and encouraging legislation had not diversified the occupations of men as they have since done, nor had railroads and other improved methods of transportation made it possible to distribute the products of their industry, quickly, regularly and cheaply to market. Even farming was not as profitable as it has since become, except in the neighborhood of the most populous centers, because of the difficulty and uncertainty of distributing farm produce to those who were to consume it. The farmers of the old West and Northwest, in 1850, shipped their surplus products by the Great Lakes eastward, or down the Mississippi and its tributaries to New Orleans. Unless they were near the lakes, or on or near the bank of some navigable river, it was impossible to get their surplus to any market. There were then only 7,355 miles of railroad in the entire country, and most of that was in States east of the Alleghany Mountains. There were but 299 miles in Ohio, 86 in Indiana, 22 in Illinois, and 28 in Kentucky. In Tennessee and Wisconsin there was not a foot of rail laid yet, and the iron horse had nowhere crossed the Mississippi.*

It was believed by many that the lakes and rivers would always continue to be the main avenues of commerce. Strict

* A Cyclopedia of Commerce, Harper & Brothers, 1858.

laws forbade the obstruction of their harbors and channels. In 1857 the owners of steamboats plying on the upper Mississippi, above St. Louis, attempted to enjoin the Rock Island Railroad from maintaining its bridges at Davenport, Iowa. Abraham Lincoln appeared in the case, as special counsel for the railroad, and made an argument before Mr. Justice McLean of the supreme court, sitting as circuit judge at Chicago, which the lawyers of that time seem to have regarded as one of his greatest efforts. It is to be regretted that this argument has not been more fully preserved, for in it he seems to have pointed out what few, if any, at that time foresaw, viz.: that railroads were changing the whole course of the internal commerce of the country, extending it into regions where it could not otherwise go, and opening up to settlement and cultivation vast areas that must, without them, remain desolate and uninhabited. His contention was that one man had as good a right to cross a river as another had to sail up or down it; that these were equal and mutual rights, that must be exercised so as not to interfere with each other, like the right to cross a street or highway, and the right to pass along it. But how must this particular crossing be made? Must the products of the boundless and fertile country lying west of the river, for all time be stopped at its western bank, unloaded from the cars, ferried over the river and then reloaded again? He then drew a vivid picture of the great West, and argued that the necessities of commerce demanded that the bridges across the river be a conceded right, which the steamboat interests ought not to be allowed to successfully resist, and thereby stay the progress of civilization and development in a great region where progress was only beginning.*

* Tarbel: "The Life of Abraham Lincoln," Vol. I, pp. 276-8.

If the railroads did not then furnish transportation for the products of labor, neither did manufacturing furnish the home markets now enjoyed, or opportunity for profitable and diversified employment. The census of 1850 shows the capital employed in manufacturing to have been $530,000,000, as against $12,686,265,673 in 1905; the number of people employed was 1,050,000, as against 5,470,321; the wages paid $240,000,000, as against $2,611,540,000, and the total value of product $1,020,300,000, as against $14,802,147,087. The amount of capital employed in 1905 was therefore nearly twenty-four times greater than in 1850; the number of people employed was more than five times greater—the rate of wages more than doubled, and the value of products more than fourteen and a half times that of the earlier year, while the total population had increased only about three-fold.

Lack of profitable employment and lack of market therefore made these people discontented, and they saw no immediate prospect of bettering their condition where they were. They were accordingly impelled by circumstances such as do not at present exist, and with which people of the present day are not at all familiar, to seek some other region where their labor would be better rewarded. The writings of Kelly, the efforts of Wyeth, the letters sent back by the missionaries, some of which found their way into print, the reports of the early explorers, particularly of Lewis and Clarke, and to some extent in later years those of Fremont, the adventures of Captain Bonneville, and the story of the founding of Astoria, as told by Irving, various reports made to Congress, but more than all else the speeches made by Senators Benton and Linn of Missouri, Tappan of Ohio, Sevier of Arkansas, and others, in the debate on joint

occupation, and the boundary treaty, had directed their attention to the Pacific Northwest. In these debates much interesting matter, descriptive of the country, its products, soil and climate, as well as its attractive location with reference to the future commerce of the world, in the form of reports and letters, was read, printed and widely distributed. The public was not then as well supplied with reading matter as now, and public documents, particularly when they contained information that people were seeking, were more generally and more carefully read than at the present day. He who was fortunate enough to receive an official copy of a speech made by his senator or representative in Congress, not only read it himself, but passed it along to his less favored neighbor, and he again to some other neighbor until all had read it. The fact that we had no port on the Pacific that we could call our own must have impressed many. That England should assert claims here in opposition to our own, and persist in dividing possession with us was particularly distasteful. Benton's suggestion that thirty thousand settlers, with their thirty thousand rifles, would prove our most effective negotiators for undisputed possession of this country* was received with approval, and awoke a patriotic desire in many a breast to help found an American State on the Pacific Coast.

But it was Senator Linn's land bill more than all else that aroused the hopes of the great majority of those who finally concluded to seek homes in the far Northwest. As early as December 1839, he had introduced a series of resolutions in the Senate, asserting our indisputable right to the

* This was really Senator Tappan's suggestion, as he made it a day earlier than Benton did, though he spoke of 50,000 settlers and 50,000 rifles.

whole of Oregon, and proposing "that six hundred and forty acres of land should be granted to every white male inhabitant of said territory, of the age of eighteen years, who shall cultivate and use the same for five consecutive years, and to his heirs at law in the event of death." In 1843 Senator Linn embodied a similar provision in a bill to provide military protection for the emigrants, and to extend the laws of Iowa over the new territory. This bill provided that each active settler, who was a citizen of the United States, or had declared his intention to become such, if married, might take a claim equal to 640 acres for himself and wife, and 160 acres in addition for each child under the age of 18 years, while unmarried men might take 320 acres each.* This was known as the donation claim act, but it did not become a law until September 27, 1850. There was as yet no homestead law under which any citizen of the United States, or one who had declared his intention to become such, if over twenty-one years old, might acquire a quarter section of land anywhere, if it was still owned by the government, by going upon and cultivating it for a period of five years. Our government had not yet adopted that enlightened policy by which homes have been provided for so many, for their benefit and its own. Such a measure had been frequently proposed, both in the House and Senate, but while it had been championed by many great statesmen like Benton, Seward, and Douglas, and many more of lesser fame, it had not been enacted into law. Timid men had feared the government could not afford such a liberal policy. Narrow men saw in it a plan to give away what belonged to all the States, under the pretense of benefiting poor but deserving individuals, solely to hasten the settlement of the new States,

* Benton's Abridgment of the Debates in Congress, Vol. XIV.

and for their benefit only. Some contended that laborers, whose industry was needed in the mills and various industries of the East, as well as to build roads and canals and make other improvements, would thus be enticed away to newer regions where their labor might not be so well rewarded. The slave-holding element steadily antagonized it because it would hasten the development of new free States, which were already increasing too rapidly and breaking down that nice balance of power which they had so far been able to maintain in the Senate, but which it was becoming evident they could not maintain much longer.

But though these measures did not become law* the discussion of them in and out of Congress for so many years, steadily and in an ever increasing degree, directed public attention toward the West. "Land for the landless" became a political shibboleth. Ever increasing trains of emigrants poured across the Alleghanies into the States and territories of the old Northwest, and out of them and through them came the tide which flowed over another and greater range of mountains to the far-away Pacific.

Those who went to California in 1849, and later years, went to find gold. They hoped to find it easily in the river beds, in the dust by the wayside, everywhere in fact, with but very little labor. Most of them were disappointed, but their disappointment was consoled in a considerable degree by the discovery that wealth, if not in gold nuggets, could be obtained from the soil with tolerable certainty, and by methods with which they were quite familiar. Thousands of them became wealthy through the cultivation of the soil,

* The homestead act did not become effective until May 20, 1862, more than a year after the war began.

where one acquired a competence in the mines. But those who came to Oregon based their hopes on the soil alone. In it they confidently expected to find a competence, if not wealth, as others had found and were still finding it in the older States. They hoped it would prove to be a better soil than that they were leaving, that climatic conditions would be more favorable to its successful cultivation, and that its surplus products might be readily and profitably marketed, and, in some of these respects at least, most of them were not disappointed.

Burnett says there were three considerations that prevailed with him to make the journey; to assist in building up a great American commonwealth on the Pacific Coast, to restore Mrs. Burnett's health, and to become able to pay his debts. He was a lawyer, but had engaged in business and had been unfortunate. He owed so much that he could scarcely more than pay the interest, year by year, and saw no prospect that he would ever be able to do much better where he was. He therefore proposed to his creditors that he make this venture, and they consented that he should do so. Mrs. Burnett's health had long been delicate. He hoped that change of scene and change of climate might prove beneficial to her. The doctors said the journey would be likely either to kill or cure her. She was anxious to make the trial, and willing to abide the result, whatever it might be. If the Linn bill should become a law they would be entitled to take 640 acres of land for themselves, and 160 for each of their six children—1,600 acres in all, and this seemed wealth in itself. It was true that the bill was not yet law—might never become law, and it was also true that the government did not yet own, beyond dispute, the land which the bill proposed to give. It might never own it, but with the

help of "thirty thousand settlers and their thirty thousand rifles," there was not much doubt about it. Of the thirty thousand rifles theirs would make one, and there was already evidence that others were coming to join them. The full thirty thousand might not appear, but there would be enough, and their confidence was fully justified. In fact less than six thousand, according to the best information we have, had arrived in and started for Oregon before the boundary dispute was adjusted by the treaty of June 15, 1846. But these were enough.

To these six thousand the country owes more than it is ever likely to pay. They indeed came to help found an American commonwealth on the Pacific. They came, as the Jews came from the Babylonian captivity, to help rebuild the temple of Solomon—to work with their trowels in one hand and their swords in the other—though their trowels were axes and their swords were rifles. They won not only a State, but they pushed forward the boundaries of the country to their natural limit, the Pacific Ocean. They won for the country its first possessions on this coast, and made possible all that it has since acquired, and they and those who followed them worked out for the nation a greater destiny than they knew or guessed.*

Many, no doubt most of those who crossed the plains and mountains in those early pioneer days, took little thought

* "An American settlement grew up at the mouth of the Columbia. Conventional agreements among themselves answered the purpose of laws. A colony was planted—had planted itself—and did not intend to retire from its position—and did not. It remained and grew; and that colony of self-impulsion, without the aid of government, and in spite of all its blunders, saved the territory of Oregon to the United States, one of the great events which show how little the wisdom of government has to do with great events which fix the fate of countries." Benton: "Thirty Years' View," Vol. II, pp. 477-8.

about building States. Their sole object was to better their own condition. They were seeking homes, and hoped to find them where conditions would be more favorable to their prosperity than they were in the States they had left. Some sought a better climate, some better markets. Some hoped to escape the ague, then so prevalent in all the newer States of the old West. Some thought there would be great advantages in being near the ocean; they would be in touch with its commerce, and by it they would have access to "the world's markets." But alas for their expectations! The markets of the world were still a great way off—farther, in fact, than they were from the places they had left. The United States in 1850 had no trade with Japan, and but little with China or the islands of the Pacific. The Japanese of that day were quite as much of a hermit people as those of Corea. The markets of Europe were on the other side of the globe. All our trade with the outside world was done through our Eastern ports; that of the Pacific, and even the ports of the Pacific, remained to be built up; and few of those who came with such high hopes of benefit from and through it lived to see it fairly established, or even well begun.

All came for land, and of land there was plenty. But even that was disappointing. Most of it was covered with a growth of giant timber, which it would take a long time to remove, and with which few of them knew how to deal. In the States they had left it would have been immensely valuable—wealth in itself. Here it cumbered the ground, and for the time was worse than valueless. To be rid of it would require much patience, and a vast amount of labor. Claims which today are worth a fortune for their timber alone, were then avoided because too difficult to clear, and uncleared they were valueless because useless. The prairie land, what

little there was of it, was for the most part claimed by the Puget Sound Agricultural Company, and while the first settlers looked upon it with envy, it was soon found to be of little value for their use or that of any other. The valleys, where the soil was of unknown depth, and of almost inexhaustible fertility, were covered with an impenetrable jungle, making their inspection difficult if not impossible. The outlook for these people who had come so far, with so much courage and with such high hopes, was not encouraging. But they could not return. There was nothing to do but make the best of their situation, and they applied themselves to the work that lay before them with stout hearts and willing hands.

Their first concern was to secure food and shelter. Their supplies were, in most cases, exhausted. Their household effects, or most of them, had been abandoned from necessity on the trail. They must begin life anew, and almost with their naked hands alone. The settlers who had preceded them received them usually with a generous hospitality, but it was not to be imposed upon. It was too evident, in most cases, that those who offered so freely had little enough for themselves. But some of those who had come earliest were well supplied, and provided generously for all who came after. Among these was George Bush, the mulatto who had done so much for the Simmons party. Many of the earlier pioneers bear willing testimony to his generosity. Year by year, as he enlarged the area of his cultivated lands, he produced a larger and larger supply of grain, all of which he kept for the new arrivals. He would sell nothing to the merchants or to speculators at any price. The settlers he provided with food for their first winter, and with seed for their first sowing. If they had no money he still supplied

them with what they needed, asking only that each should pay him when he could, and taking no security. Many of those who came earliest got their food for the first winter, and the small amount of seed needed for the following spring, from this man and in this way. And yet, under the law as it was at that time, he could not secure title to his own claim, nor would his oath be received in any court, because of his color.

To select the family claim—the land which a generous government was sometime to give these brave men and women, who had come so far and suffered so much to win an empire for it—was naturally the first concern of all. Nothing in the way of home making could be done until the home site was selected, and such steps taken as could be to secure it. Each was anxious to get something as good as was left—something if possible to accord in some degree with the ideals each had formed. This required exploration, and exploration required time. Meantime the family found a home with some settler, or lived in the wagon as it had done while on the trail, or perhaps in an abandoned shack that some earlier settler had partly built and occupied for a time, and then left for something better or more to his liking. "In our first cabin," says Mrs. Martha H. Ellis, "there was neither door, window nor fire place, and one row of shakes was missing from the roof when we moved into it. All the goods we had left were taken to it on a hand sled, and at one load." Mrs. Frost says her family first occupied the Bushelier cabin near Spanaway Lake. It had neither floor, door nor window, and only half a roof. During the three weeks they remained in it, it rained most of the time, but they got along very comfortably, doing their cooking in the unroofed part, and sleeping and eating

under the roof. Home finding was particularly difficult for families like those of Mrs. Frost, where the husband and father had died, or been murdered by Indians on the way. But these were never neglected by their neighbors. Claims were selected for them, and willing hands helped to build their cabins. The children, if old enough, found employment in herding sheep for the Hudson's Bay Company, "which was paid for in salt salmon, potatoes and an occasional pan of flour," as one of those who had experience of this kind bears testimony, and sometimes with more prosperous neighbors. No one lacked the necessities of life, and none expected luxuries.

Fortunately, employment for the first winter after their arrival was not difficult to find, even in the earliest years. The Simmons party and those who followed them in 1846, and perhaps in later years, made shingles which found ready sale at Fort Nisqually. For these they sometimes received as much as $4.00 per thousand, though the price was generally lower, but as they were always taken at some price, their manufacture provided regular and fairly profitable employment. After 1850 the demand for timber for wharf building in San Francisco—and later for lumber and shingles, when numerous fires had destroyed the canvas city which first grew up there, and made it necessary to rebuild with more substantial material—furnished employment for all, at rates which kept many from doing more to improve their homes and claims than urgent necessity required. Loggers were paid $4.00 per day, and those who had ox teams, if they cared to go to the logging camps with them, could make several times this amount. Provisions of all kinds sold at high prices during these years. The demands of the home market steadily increased, and that of the San Francisco

market increased much faster, so that after the first winter was safely passed the settlers found it more profitable to attend to the improvement and cultivation of their claims than to work for wages of any sort. In the early '50's, flour was worth $10.00 per hundred pounds, in the market at Olympia; salt pork, 20 cents per pound, eggs, $1.00 per dozen, butter, $1.00 per pound, and potatoes $3.00, onions $4.00, and beets $3.50 per bushel.*

As soon as possible after a claim was chosen, the family home was built. This was easily done. The settler's cabin has been much the same kind of structure in all the States of the Union, from the time of John Smith and Miles Standish to the present day. A simple one-room house, built of rough logs, with the bark on, and roofed with shakes—that is, thin strips three or four feet in length, split from a straight-grained log. In Washington and Oregon these cabins were perhaps more easily built than in any of the older States. It was easy to find perfectly straight trees of the proper size, and most of them furnished several logs of the desired length. There was so little difference in the diameter at the ends of these logs that they were easily laid one above the other in regular tiers, until the desired height was reached. The ends were notched, or in some cases simply squared, so as to permit them to fit closely together, and the spaces between them, if there were any, were plastered with wet clay, which effectually kept out both wind and rain. Rafters of round poles were then set up, the shakes laid over them in regular layers, and held in place frequently with small poles laid across them, as nails were not easily obtained. An opening was left at one side usually, for a door, and at one end for a chimney. The latter was built of stones, if suitable

* Meeker: "Pioneer Reminiscences of Puget Sound," p. 42.

stones for the purpose were easily obtained; if not, stones were used only so far as they were absolutely required, and all above was built of sticks thickly plastered with clay—a "cat-and-clay" chimney, as it was called. The door opening was closed, at first—if the family were forced by circumstances to take immediate possession—by a blanket or the dried skin of some animal. Later, boards were split and hewed as smooth as might be with an ax, fastened together by crosspieces made in the same way, perhaps with pins of wood. The hinges were stout pieces of rawhide, or old leather, and the latch was a heavy crossbar of wood, sometimes fastened to the door with a simple wooden pin, and so arranged as to drop into a slot or bracket fastened to the wall. For a window—there was seldom more than one in the first cabin—a simple opening in the wall was sufficient, and in many cases these were large enough for only one pane of glass, when the glass could be got. If it was large enough for a sash, with four or six panes in it, and was provided with hinges so that it might be opened to let in the fresh air and the odor of the woods and flowers in the spring and summer months, it marked the family as a particularly favored one, and perhaps even as having some pretentions to aristocracy.

The furniture and interior finish of these cabins was as simple as the cabins themselves. In many cases there were no floors. The family often took possession and began to make themselves quite comfortable before there was time to make or lay a floor, and that was left to be prepared and put in at some more convenient time—on rainy days and evenings. As there was no floor it was easy to drive a forked stick in the ground, the width of a bed from the side of the cabin and the length of it from the end, and on this to lay two stout poles, the opposite ends of which were thrust

between the logs of the cabin walls. Across these some other pieces of wood were carefully laid, and the whole was covered with a downy mattress of fragrant cedar boughs. On this was placed the carefully saved blankets and patchwork quilts, the snowy sheets and real feather pillows that had been saved when all else had to be abandoned in the desert, or lost on the trail, and the settlers slept in beds of their own, and under roofs of their own, for the first time in many weary months. For a table two stout pegs were driven into holes bored in the log wall, at a proper height, and across these was laid a stout plank, split and hewed out by the pioneer's own ax. Smaller shelves, made on the same pattern as the table, but placed higher on the walls, bore the carefully polished tin or pewter plates and cups, the knives and forks and spoons that had seen service in the camp on the way across the plains, and possibly a yellow earthen bowl or two, or a wooden trencher. A smaller shelf, that would some day be ornamented with a clock, when Seth Thomas should send his wares to the coast and increasing wealth should enable the family to own a timepiece, now supported the family Bible, and perhaps the dog-eared reader and arithmetic which father and mother had used in their school days and were now carefully saved for the children, while on a nail beneath it hung the almanac, put forth without money and without price by some benefactor of mankind who, after long and profound study and much experimenting with the simple alembic, shown in the picture on the cover, had discovered a universal remedy for all the ills that flesh is heir to. This shelf also held the neatly ornamented pincushion, the scissors, the goodman's spectacles, when not in use, the camphor bottle, some spools of thread, and was withal a convenient place to put things that would

CEDAR STUMP RESIDENCE.

One of the first American families to arrive in the territory made their home for a time in a hollow stump like that shown in the engraving, and many others since their time have lived comfortably in similar habitations.

be wanted sometime, and but for which nobody would know where to look for them. The pots and skillets and the Dutch oven, or possibly a tin one that could produce biscuit of most amazing quality when required, had their place in a corner near the fire. A few three-legged stools, and in rare cases a roughly made rocking chair, if there were a grandmother or grandfather in the family, completed the furniture. Such clothing as was not in daily use was hung on pegs driven in the wall, and in the more tidy homes, was covered with a sheet or blanket. The rifle, so essential a part of every settler's outfit, had its special place on two forked sticks, or perhaps a pair of buckhorns, fastened across the chimney, and near it the ever ready shot pouch and powderhorn.

In cabins such as these, Abraham Lincoln, Andrew Jackson and Henry Clay were born, and Benton, Corwin, Thad. Stevens, Grant, Sheridan and Farragut, and other great soldiers, sailors and statesmen were not unfamiliar with life in them.

The first cabins built by the settlers were not all as roughly made nor as poorly furnished as those here described, and yet there are persons still living who can testify that the picture is not overdrawn. A few lived for a time in even more primitive style. The family of James McAllister was not very well satisfied with the claim they first selected on Bush Prairie, because of its gravelly soil, and the year after their arrival he chose another in the Nisqually Valley. "Mother disliked to stay alone with the children while father was building a house for us on the new claim," says Mrs. Hartman,* who was McAllister's daughter, "and he laughingly told her that he had seen two hollow cedar stumps on the new claim that were big enough to live in, and if she would

* "Tacoma Ledger," March 19, 1893.

live in them for a while he would take her with him. Mother told him she would go, so father scraped out the stumps, and made a roof for them, and mother moved in with her six children. She found it very comfortable, the burned-out roots making 'such nice cubby holes for stowing away things.' Mother continued to live in her stump-home until father built a house, the work being necessarily slow, as he had but few tools."

The McAllisters were not the only family in the Puget Sound country who made their home for a time in a cedar stump, though in any other country the story would seem most improbable. But west of the Cascades, in Washington and Oregon, there is many a hollow cedar stump that is quite large enough to make one good-sized room. It is a peculiarity of the cedar in western Washington that it begins to decay at the heart. Many a tall tree is still standing, and apparently growing as luxuriantly as its neighbors, that is rotten at the core and only its outer shell is sound and living. When the tree finally dies, through this process of internal decay, its rotten interior easily takes fire, when it is soon converted into a blazing chimney two or three hundred feet high. The immense trunk and its branches are quickly consumed, and only the hollow stump is left, its roots being converted into great charred tunnels, running some distance into the earth.* Not a few families have

* Winthrop had an experience with a fire in one of these hollow cedars during his trip in 1853, although it happened east of the Cascades, where the trees are smaller than on the west side. He had been compelled, by a storm, to camp earlier than he had wished, and had made his camp fire at the base of one of these dead cedars. "As I sat by my fire," he says, "thinking over the wide world, and feeling that I looked less blindly than once upon its mysteries, suddenly I was visited by a brilliant omen.

"All at once the darksome forest became startlingly full of light. A broad glare descended through the lowering night, and shed about me a

found in these hollow stumps a convenient shelter during their first winter in Washington.

Humble indeed was the beginning of pioneer life with these stump dwellers and cabin dwellers, but theirs was not a squalid poverty. Most of them had never been wealthy, or even well to do, as the term goes, but they had been richer in the homes they had left than they were upon their

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strange weird lustre. I sprang up, and beheld a pillar of flame hung on high in the gloom.

"An omen quite too simply explicable. I had kindled my fire in the hollow of a giant trunk. Flame slowly crept up within, burning itself a way through the dry core, until it gained the truncated summit, sixty feet aloft, and leaped outward in a mighty flash. Once escaped, after its stealthy growth, the fire roared furiously up this chimney of its own making. The long flame streamed away from its gigantic torch, lashing among the trees and tossing gleams, sparks and great red flakes into the inner glooms of the wood. Nobler such an exit for one of the forest primeval than to rot away and be a century in slow dying. His brethren around watched sombrely the funeral pyre of their brother. Their moaning to the wind mingled with the roar of his magnificent death-song. Trust Nature. None of the thaumaturgists, strong in magical splendors, ever devised such a spectacle as this. I had fought my way, a pressing devotee into the inner shrine, unbullied by the blare of the tempest, and this was the boon offered by Nature to celebrate my initiation.

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"As I could not take my tall torch in hand and be a pathfinder, I patroled about the woods, admiring it where it stood, a brilliant beacon. The blossom of flame still unfolded, unfading, and as leaf after leaf fell away, like the petals of roses, other petals opened about the unconsumed bud. Firelight gave rich greenness to the dark pines. Sometimes a higher quiver of flame would seize an overhanging branch and sally off gayly; but the blast soon extinguished these escapes. Fire gnaws quicker than the tooth of Time. I was sitting, drowsy and cowering near my furnace, when a warning noise aroused me. A catastrophe was at hand. Flames grew intenser, and careered with leaps more frantic, as now with a riving uproar, the giant old trunk cut away at its base, cracked, trembled, swayed, and fell in sublime ruin. At this strange tumult, loud and harsh in the dull dead of the night, the horses, affrighted, looked up with the light of the flame in their eyes, and then dashed off furiously."—"Canoe and Saddle," pp. 263-5.

arrival here. Though in many cases most of their valued effects had been abandoned on the trail, they wasted no time in idly bewailing their loss. If the good wife regretted the loss of the claw-foot table, the mahogany bureau with glass handles and its commodious drawers, the mirror which had reflected the faces of her ancestors, or the high-backed, broad-armed easy chair in which she had been rocked to sleep in days gone by, she consoled herself with making plans for something that would replace them. It was as useless to cry for lost claw-footed tables, and gilt-framed mirrors, as for spilled milk. It was far better to replace them with something that would serve the purpose, if it did not look so elegant. This they set to work to do. Possibly, like our first parents,

> "Some natural tears they dropt, but wiped them soon;
> The world was all before them, where to choose
> Their place of rest, and Providence their guide."

In none of the older States did the settlers find it necessary to remain in these hastily constructed cabins for so short a time as in this. Indeed, within a very few years it become unnecessary to build them at all, except in places remote from the settlements. The primitive saw mill, built by the capitalists of New Market in 1846, was soon followed by others. Abernethy & Clarke had one running at Oak Point on the Columbia in 1849, and T. M. Chambers one at the mouth of Steilacoom Creek soon after. Captain Renton had a saw mill at Alki Point in 1853, and Yesler's steam mill at Seattle, the first in the territory, was started in March of the same year. The demand for lumber to rebuild San Francisco in the early '50's, and to supply the mines and farms of California, soon became so great that

mills increased in number rapidly. Though built for the most part to supply an outside demand, their owners were not unmindful of the value of the home market. Buildings in the towns, and in the neighborhood of the mills, soon ceased to be constructed only of logs; and while logs were more plentiful than in any other place in the world, there were fewer log-built towns, and such log-built towns as there were, were smaller than in any other territory. There probably never were more than twenty or twenty-five log buildings in Seattle or Olympia, and fewer still in other towns.

Those who did not immediately replace their cabins with frame buildings, found it easy to secure lumber to make their homes quite comfortable. Floors were laid and doors and windows provided. Often a new and larger house was built, or the old one enlarged by adding another log house to it. The inside walls were hewed flat, if not very smooth, often by the light of the fire in the evening after the day's work in the clearing was done. Then the new wall was whitewashed and made to look very cheery and comfortable. A second floor was added, making a loft that was a convenient lodging place for the tired wayfarer who might come along too late to complete his journey during the day, and must never be turned away. A carpenter was secured for a day or two to make a cupboard, perhaps with a glass door in it; to add some pantry and other shelves; to make a real bedstead with high posts, and a trundle-bed that could be pushed under it and out of the way in the daytime, and in which the children slept at night. He also made a table of planed boards, with crossed legs, and some new stools that were almost as good as chairs; and when these latter were hung about with a calico valence and provided with a

cushion, they were very comfortable, and made things look quite homelike.

"My family," says Judge Hanford, in talking with the writer of these early days, before this history had yet begun to take form, "was among the aristocrats of those times. My mother had brought with her a few yards of calico, which she used to good purpose to make our furniture comfortable. An old barrel was sawed in two, and the staves cut out of one side of it. This was mounted on legs and rockers, and when furnished with a cushion and covered with some of this calico, it made a sumptuous rocking chair. A rough frame was covered in the same way, and made an excellent lounge or sofa. When it finally got a feather mattress and pillow it was a fine thing to take a nap on, and I often was sorry when compelled to leave it in the evening and go to bed."

How much was done in simple ways to make the homes of the settlers cheerful and comfortable, only the settlers and their children know. There were few newspapers in those days, and such as there were, were very small, but the paper in which parcels came from the store was carefully saved, and when neatly folded, and the edges notched with the shears or scissors, it made a very nice ornamental covering for the unpainted shelves on which the tableware was put away when not in use. Other shelves were nicely covered with white muslin, and sometimes made gay with a bit of ribbon. A cracked or not too badly broken cup, or a glass bottle, was made to do duty as a vase, and when filled with wild flowers was a not inconsiderable ornament for the table, or the mantelpiece if there was one. The planting of flowers was not neglected, and the honeysuckle, the morning-glory, and ivy and other

flowering or trailing plants soon hid the roughness of the exterior of these early houses as completely as the handicraft of the housewife hid that of the interior. With so little did our heroic mothers make themselves comfortable and even happy.

In these cabins they were often left alone with their children for days and weeks together. The bread-winners of the family—the husband and father, and the older boys, if there were any—were compelled to seek work, and it was generally found in the logging camps, in the mills or in loading the waiting ships with lumber, and this kept them from home most of the time. Sometimes long journeys were necessary, to obtain supplies, or attend to equally urgent business. Mrs. Ezra Meeker was left alone with her baby, in their first cabin near Kalama, for a whole month or more while Mr. Meeker and his brother made a trip to the Sound in search of their claims; and in their second cabin, which was on McNeill's Island, she was left for even a longer time, with two children and a nurse, while Mr. Meeker went to Walla Walla to meet the first settlers who came through the Nachess Pass. Many other pioneer women had similar experiences. Their neighbors were few, and none of them sufficiently near at hand to render assistance in case of need. It is a curious fact that pioneers everywhere seem to have made little effort to be near each other, and the pioneers of Washington were no exception to the rule. The Simmons party, consisting of six families, took claims some of which were seven miles apart. Wanch and Ford stopped near Centralia, and Packwood in the Nisqually bottoms, while Glasgow and Rabbeson went to Whidby Island, where Col. Ebey settled later. In 1853 Col. J. Patton Anderson, the newly appointed marshal of

the territory, in taking his census, found Dr. Roundtree and his family living alone at Gray's Harbor, their nearest neighbors, except one single man who had taken a claim on the harbor, being at Shoalwater Bay. When Van Asselt and Maple took their claims in the Duwamish Valley, near Georgetown, a present suburb of Seattle, their nearest neighbors were at Steilacoom, about forty miles away; and when Connell and Porter settled on the little prairies that still bear their names, there were no other settlers much nearer them.

When therefore the wives of the settlers and their children were left alone in their cabins they were alone indeed. But for the occasional visits of the Indians they would not see a single human face but those of their own family for days together, and sometimes for a much longer time. The Indian visits were usually more annoying than alarming. "They never could be taught," says Mrs. Hartman, "to knock before opening the door. They walked in without ceremony and made themselves quite at home, helping themselves to any food they saw, and sometimes taking it off the fire where it was cooking." But they were rarely troublesome in other ways. They made no threatening demonstrations, and committed no depredations, except in petty ways, until the beginning of the war in 1855.

The settlers in Washington, at least after the earliest years, probably found less difficulty in procuring food and clothing than was experienced in the early history of the older States. Game and fish were abundant, and the shellfish particularly were easily obtained. Beef, bacon, dried salmon, flour, such as it was, and potatoes could always be had at Fort Nisqually, and were furnished at not unreasonable prices. If at times the pioneers found their supply of flour

EDWARD HUGGINS.

The last chief factor of the Hudson's Bay Company in Washington. He came to the coast in 1850, from England, and was stationed at Fort Nisqually until the company's interests were purchased by the government and its business removed out of the country. He then took a claim, which included the site and buildings at the fort, where he resided during the remainder of his life.

until the beginning of the war in 1855.

was short, and their pockets empty, they ate boiled wheat with their salmon and venison, and found it very acceptable. The Indians taught them that various roots were fairly good substitutes for potatoes and turnips, when they knew how to cook them, and huckleberries were always abundant until late in December. Clothing was sometimes hard to procure, but buckskin was less generally worn here than in other new States. Shoes were harder to get than almost anything else in the way of wearing apparel, and it was harder to get the material to make them from. They were often made, and almost always mended, at the family fireside. Sometimes they were mere shoepacks—a piece of rawhide folded over the foot and tied with a thong about the ankle, with an extra piece stitched on the part that came under the foot for a sole; but they were roomy and comfortable. Neither the tailor's, the dressmaker's nor the shoemaker's bills were large in these early times, nor were those of the doctor.

Mr. Edward Huggins, who was first a clerk, and then Dr. Tolmie's successor as chief factor or manager of affairs at Fort Nisqually, has left a manuscript in which he expresses the belief that the winters were colder in the '50's than in later years. There were no thermometers at Fort Nisqually in those days, and no record of the temperature was taken or kept, although the weather conditions were always carefully noted in the daily journal kept there. "I well recollect the winters we experienced in the '50's and '60's," Mr. Huggins says. "I had in my charge bands of cattle, horses, and sheep, belonging to the Puget Sound Agricultural Company, especially in the '50's. The winters were invariably very cold. The creeks and lakes were nearly always frozen over, so that we had to break the ice to get water for the stock. From 1855 to 1860 I lived at Muck

House, on Muck Creek, and I recollect that every winter during that period Muck Creek was frozen so hard that heavily loaded wagons crossed it in safety on the ice. This ice would remain for several days. The winter of 1857, I think it was, was particularly severe, and the cold continued for some time. Snow was on the ground before the extreme cold began, and we lost a whole drove of hogs that were running wild in the woods, and that were frozen or smothered in the snow. Old Fort Lake, as it is called, a small shallow pond not far from Fort Nisqually, had ice on it from seven to ten inches thick."* Ice would hardly be formed unless the temperature fell below zero and continued at or about that point for some time, and zero weather has not been seen in the Sound country for many years past.

Such weather would require heavier clothing than is now usually worn, and those who could not procure it would suffer greatly. Doubtless many did suffer.

Eastern Washington, where the winters are usually colder than in the western part, had but few settlers until after 1860. After the Whitman massacre all the protestant missionaries, and all the Americans who were with them left it, and some of them never returned. Those who did return went back only after the lapse of several years. Rev. Cushing Eells, the most enterprising and devoted of them all, after Whitman's death did not go back until 1860. A few daring goldhunters ventured into it in 1855, when gold was discovered in small quantities near Fort Colvile, but the temper of the Indians was such as to make

* In the fort journal for 1853 there is this entry under date of November 18th: "Weather very cold. Ice formed in our water casks, even in the kitchen where we had a fire all day."

their explorations very hazardous, and few of them tarried very long. The Indian wars still further delayed settlement, and it was not until Col. Wright's victorious campaign in 1858, and the issuance of General Harney's order on October 31st of that year, that settlers were permitted to go into it again.

Among the first to take claims east of the Cascades was Merill Short, who has left this account of a winter adventure in Klickitat County:

"We removed to Klickitat County before the severe winter of 1861-2, the severest winter that has ever been known in this western country, to white or red man. The ground was covered with snow from one to three feet deep for fifty days, and forty-two days of that time the mercury was 32 degrees below zero. There was a crust of sleet on top of the snow from two to four inches thick. A great many men perished in the snow, although the country was then but sparsely settled. A party of eleven men started from the John Day's River, where the old emigrant road crosses that stream, for the Dalles, all being on foot and the snow nearly three feet deep. It was thirty-nine miles to the nearest house, or place of refuge. Nine out of the eleven died—four died on the way, and five after reaching their destination. Some of them had both hands and feet amputated. My brother-in-law, M. L. Alphin, had a brother in the company, Marion Alphin, who died in the snow in a canyon near the John Day's River. My brother-in-law lived at the Dalles, twenty-two miles from Columbus, which was near my place. He started to look for his brother, and reached my house, but the weather being so bitterly cold and the snow so deep he could go no further.

"He insisted on my going back with him, and as my wood was nearly gone, and my flour was fast disappearing, and the weather still getting colder, I determined to do so. I had one horse that had got along pretty well, considering the scarcity of food and the terrible weather, so we made ready to start on our perilous journey. We had then but one child, aged 22 months. We breakfasted before day-light, and put my wife and child on the horse, and strapped as many blankets around them as they could manage, and started for the Dalles. The snow being deep and the trail bad, we traveled very slow. We had a hard day's journey, and when night came upon us we had not made over twelve miles of the twenty-two, but had to stop. We had reached an old shack, one end of which had been torn away, but poor as it was it was undoubtedly the means of keeping us alive; for we surely should have perished had we not found shelter of some kind, and wood to make a fire. We soon had a roaring fire, which we made from the floor of the building. We wrapped my wife and the child in the blankets and they managed to get a little sleep. My brother-in-law and myself stayed up all night keeping the fire going. That night was one of the coldest of all that winter, and the coldest, I think, ever known in Washington. Early the next morning we resumed our journey and traveled hard all day, and reached the Dalles late that evening, having eaten nothing since our early breakfast before starting out from our home. I had no overcoat, and my brother-in-law wore only as an extra wrap a sort of cloak, and that he used to wrap the child in before the journey was completed."*

* June 15, 1893.

It is well to recall, thus particularly, how the early pioneers lived in this, and in other States. What they endured and what they accomplished furnishes an ample answer to all the complaints of those who are dissatisfied with the world as they now find it, whether they be pessimists or anarchists. They opened and leveled the way that others might walk in it, or ride over it in luxury; they subdued the forests and replaced them with fruitful fields, and others are reaping bountifully of their sowing; they enlarged the borders of their country to its natural boundary, the ocean, and made possible a future that even we of this prosperous age can as yet see but dimly. Of the fruits of their labors, they themselves tasted but sparingly. As Moses saw the promised land from the top of Pisgah, which is over against Jericho, so they perhaps saw, though dimly, something of the mighty changes they were helping to produce, and of the amazing future that was but so little in advance of them, though with the vision was the same stern mandate for them, as for him, "Thou shalt not go over thither." They rest from their labors, but the work they did is only beginning to show its greatest results. Their work is done forever. The last fruitful corner of the earth has been explored. The pioneer has carried civilization across a continent. There are no more worlds for him to conquer. We who eat of his vine and fig tree; who enjoy the comfortable homes that were denied him, though he made them possible; who are in daily, almost hourly touch with all the world, through the railroads and the telegraph—whose shelves are filled with choice books, and whose tables are always loaded with plenty, while he was shut out from all the world and often hungry, will do well to turn back the page of time and look in upon his floorless cabin, with its naked walls and scanty

furniture, and view what he did and suffered, while he builded more wisely than he knew. It will help us to remember that we have not ourselves created all the good things we enjoy, and that if we are occasionally denied some luxury we would like to have, we have perhaps already got as much as really belongs to us.

Chapter XXXVII.

GOVERNMENT GETS STARTED.

IN NEW and widely scattered communities, such as the settlers in Washington had now established, the complex machinery of government is built up and put in operation very slowly, even where the people realize that they are themselves the sole source of authority. Their habits are simple and their occupations few. Each is so busy with his own affairs, that he has no time to meddle with those of his neighbors. Their business engagements with each other have few details, and these are easily and clearly understood. Legal forms and written contracts are but rarely needed. Each transaction is begun and closed at a single conference, and there is little opportunity for misunderstandings to occur. As no one has acquired title to real property, no transfer can be made and there are no public records to keep. There are no paupers to feed and few criminals to punish. Matters of personal trespass and similar grievances are adjusted by the parties themselves, by wager of battle, as in ancient times; though without sword or spear, a black eye or a bloody nose being the severest penalty inflicted, and quite as often on the wronged party as the other. But the result, whatever it be, is accepted and matters proceed as usual. The peace and dignity of the community are not disturbed or greatly shocked. There is need for roads, for schools and for all the other conveniences and advantages that organized government provides, but all realize that these must be waited for with patience until there are more to help provide them. So clearly did all this appear that it is doubtful if the little settlement at the head of Budd's Inlet ever felt any really urgent need for constituted authority until Daniel F. Kinsey and Ruth Brock began to seek a way to get married.

In 1845, when Simmons and his party arrived on the Sound, all of Oregon lying north and west of the Columbia River was known as the Vancouver district. It had been created in the year they arrived, after the Hudson's Bay authorities had concluded to give their countenance to the provisional government, and unite with it to establish order; but it was not organized until the year following. In all the vast region, extending as far north, it was claimed, as fifty-four degrees and forty minutes, the authority of the Hudson's Bay people was still as absolute as it ever had been. By the new order of things the governing power was vested in three commissioners who had the power of judges, and a sheriff. These officers were all appointed by the provisional government, which designated James Douglass, M. J. Simmons and Charles Forrest* as the judges, and John R. Jackson as sheriff. Douglass was to serve for three years, Simmons for two, and Forrest for one. By a later act, of December in the same year, the judge holding for three years was made the presiding officer of the district court.

Before these officers could have qualified, or at least before they could have proceeded very far with the work they had to do, the provisional legislature, by the act of December 19, 1845, created Lewis County out of all that territory lying north of the Columbia and west of the Cowlitz, up to fifty-four degrees and forty minutes north, and by a resolution, adopted about the same time, provided that the electors therein should choose the same officers as other counties were entitled to, except that the sheriff of the Vancouver district should assess and collect the revenue in Lewis County as well as in Vancouver for the year 1846.

* Forrest was superintendent of the H. B. Co.'s farm on the Cowlitz.

This it is presumed it was not very difficult to do, since most of the taxable property was owned by the Hudson's Bay and Puget Sound Agricultural companies. Sheriff Jackson's report shows that there had been grown in the two counties that year 9,250 bushels of oats, 4,475 bushels of peas, and 5,760 bushels of potatoes. Five years earlier Sir George Simpson, after visiting the coast, reported to the main office of his Company in London, that there had been grown that year (1841) on the Company's farms on the Cowlitz and at Nisqually, "eight or nine thousand bushels of wheat, four thousand of oats, with a due proportion of barley and potatoes." It therefore appears that Sheriff Jackson did not find much more, if indeed he found as much, farm produce to report for taxation in 1846, as Sir George found in 1841. It would also seem that Judge Michael T. Simmons was not a judge in the county in which he lived and assumed to exercise judicial functions, when he joined Ruth Brock in marriage with Daniel F. Kinsey. But as no one has ever yet raised the question of his jurisdiction in the matter, it is probably of no consequence.

The electors of the new county failed to choose judges at the election held in 1846, but for what reason is not known. Dugald McTavish, Richard Covington and Richard Lane, all Hudson's Bay Company men, were appointed for Vancouver, but, at the session of the provisional legislature held that year, a new law was enacted providing that judges, or justices, should be elected by the people for a term of two years. Under this law Richard Lane, R. R. Thompson, and John White, one of whom was a Hudson's Bay man, and the other two Americans, were elected for Vancouver, and Jacob Wooley, S. B. Crockett and John R. Jackson were chosen for Lewis County. In Vancouver County William

Bryan was elected sheriff, assessor and collector, Adolphus Lee Lewis treasurer, and R. Covington county clerk. In Lewis County R. Brock was chosen sheriff, assessor and collector, James Birnie treasurer, and Alonzo N. Poe clerk.

More interest seems to have been taken, by the people of the Hudson's Bay Company at least, in the choice of representatives in the legislature, than in all the rest of the ticket. There is in the files of the Puget Sound Agricultural Company a letter written by Peter Skeen Ogden and James Douglas to Dr. Tolmie, which shows how keen their interest was in that part of the ticket, and also that they were well aware of the advantages of their position, and had attended to all the details of the campaign with the skill of practised politicians. The election was held early in June, as it is today in Oregon, and this letter was dated May 22d. In it they say that they have just learned from Mr. Jackson, the sheriff, that the doctor had been over to New Market, where he had announced his intention to become a candidate for the legislature, and that this was to them "a most satisfactory piece of intelligence." "We are informed," they say, "that all the Americans of New Market are disposed to give their suffrages in favor of Mr. Jackson, whom we firmly believe a good worthy man, and were it not for other considerations, we should have no objections to their choice. But you know it would not be proper or appear right to the world, that we, who possess a prevailing influence, and hold so large a share of the property of the county, should allow a fragment of the population to represent and legislate for the interest of the whole.

"The election is to take place on Monday the first day of June, and the polls to be opened by the judges of election,

at the several precincts, as stated in the letter of the Clerk of Court, which Mr. Jackson will forward; say, one at Mr. Forrest's house, Cowlitz, one at Mr. Simmon's house, New Market, and one at Mr. Tolmie's house, Nisqually. The poll is merely a register of the voters' names, to be kept by the Judge of Election, to which office I have appointed Mr. Heath of your precinct.

"The poll-book should be returned to this place under seal, as pointed out in the 'Election Notice' on the fourth page of the 7th number of the Oregon Spectator herewith.

"The number of qualified voters at Nisqually is 16, as per statement herewith. Besides their votes for the return of a member of the legislature, you will also submit the proposed amendment in the land law; and take the sense of the people as to the manner of electing Judges of County Courts, whether by the people or by the House of Representatives. On the first point, we intend to oppose the amendment of the land law, as it is, in all circumstances, dangerous to tamper with and make inroads on fundamental institutions, and more so in a new country, where things have not assumed a settled form, nor had time to take hold on the affections of the people. The law in its present state is certainly not perfect, neither is the amendment calculated to improve it.

"On the second point, the sense of this county is decidedly in favour of the Judges being elected by the people, in their several counties. These things we mention for your information, trusting that the feeling in your county will be found akin to that of ours.

"We think that a majority of the suffrages of the people at the Cowlitz will be given in your favor, as we intend to lend you all our influence."

As the result of this election Dr. Tolmie was chosen for Lewis County and Henry N. Peers, another Hudson's Bay man, for Vancouver. At the election in the following year Simon Plomondon was chosen for Lewis County and Peers was reëlected. A general territorial election was held this year in which Lewis County became a center of special interest, for its vote determined the reëlection of Governor Abernethy. The returns from it were the last to be received, and were awaited for a considerable time with great interest. The other counties had given Governor Abernethy 477, and General Lovejoy 518. But Lewis County gave Abernethy 61, and Lovejoy 2.

In 1848 Levi Lathrop Smith, who was Sylvester's partner, was chosen to represent Lewis County, and Antonio B. Rabbeson was elected sheriff. A Lee Lewis was chosen representative from Vancouver. But Smith died before the legislature assembled, and the county was not represented in this the last legislature under the provisional government. But little was accomplished or attempted at that session. Public attention was absorbed in the news from the California gold fields, and so many people had gone or were going thither, that the legislature was left without a quorum, for a time. A special election was called to fill the places of those who had resigned, and an adjournment was had until the first Monday in February 1849. On that day the legislators reappeared at the capital city, but only for a brief session. In his message Governor Abernethy announced that the law establishing a territorial government for Oregon had passed Congress and been approved by the president. The new territorial officers had been appointed, and were now on the way west to assume the government. There was little left for the provisional

EDMUND SYLVESTER

One of the two earliest settlers on the townsite of Olympia, of which he subsequently became the proprietor. He laid out the town and gave it its name. He also donated ten acres of his claim to the territory as a site for its capitol.

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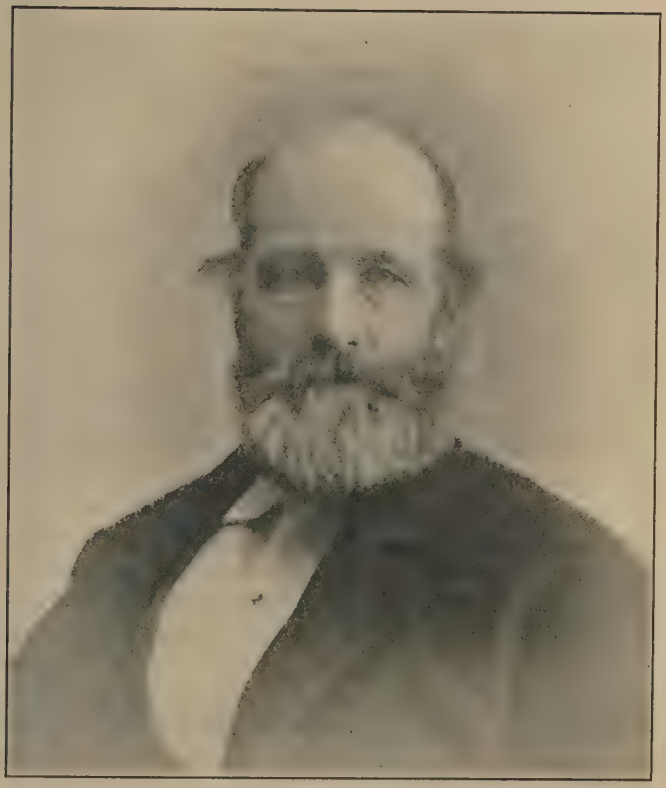

legislature to do but to adjust the expenses of the Cayuse war, now nearly at an end, and these expenses, he felt sure, the government would assume and pay. They would also be expected to pass upon the amendments to the organic law which had been sanctioned by the people. To these they gave some hasty attention but accomplished no result, as Governor Abernethy vetoed their action, giving as his reason that the United States laws would soon be in force and would regulate the matters referred to. The provisional legislature then adjourned forever.

On March 3d, Governor Lane issued his proclamation announcing that the new territorial government was established. The provisional government which the early settlers had established in their extremity, when they did not know whether the territory would ultimately be American or English, and which had been indeed "a government of the people, by the people and for the people," passed into history and was numbered among the things that had been. It had been eminently successful. All its acts had been distinguished by moderation. It had invaded no man's rights. Though formed by Americans, who firmly believed in the sovereignty of the people, it successfully avoided giving offence to those who believed in the sovereignty of a king, and the supreme authority was transferred from the latter to the former without friction. At no time in its brief history was the declaration in the memorial of June 28, 1844, lost sight of, that "by treaty stipulations, the territory has become a kind of neutral ground, in the occupancy of which the citizens of the United States, and the subjects of Great Britain, have equal rights and ought to have equal protection."

Judge Evans has well said of it:

"Founded upon such principles, the national prejudices of every citizen not only tolerated, but deferred to, that government could not have been a failure. It was a grand success. In peace, it commanded the support of all its citizens, without distinction of race or nationality. Under its wise and judicious administrations, its fruits were good order and prosperity. In the shock of battle, it stood the test. Unaided, neglected and alone, it declared and maintained a successful war to redress the unprovoked wrongs, the unparalleled outrages, its citizens had suffered. From its own resources, it levied the necessary troops, put them in the field, and there maintained them. Confided in by the people, in the hour of danger they promptly responded to the call of their constituted authorities. In the prosecution of the Cayuse war, the most historic feature of the pioneer period, was fully demonstrated the inherent strength of the Provisional Government, the unity of feeling it inspired, and its entire capability to meet the requirements of the inhabitants of the territory in which it had exercised its functions."

The officers of the new territorial government were General Joseph Lane of Indiana, governor, Kintzing Pritchett of Pennsylvania, secretary, Joseph L. Meek, United States marshal, and General John Adair of Kentucky, collector of customs. William P. Bryant of Indiana was commissioned chief justice, and James Turney of Illinois, and Peter H. Burnett of Oregon, justices. Mr. Turney declined the appointment and Orville C. Pratt of New York, but at that time in the service of the government in California, was commissioned in his place. Burnett had gone to California among the earliest of the goldseekers who left Oregon,

JOSEPH LANE.

The first territorial governor of Oregon. He was born in Buncombe County, North Carolina, December 14, 1801. Removed to Kentucky in 1814. Served with distinction in the Mexican war, and was appointed governor of Oregon upon the organization of the territory. In 1860 he was a candidate for vice-president on the ticket with John C. Breckenridge.

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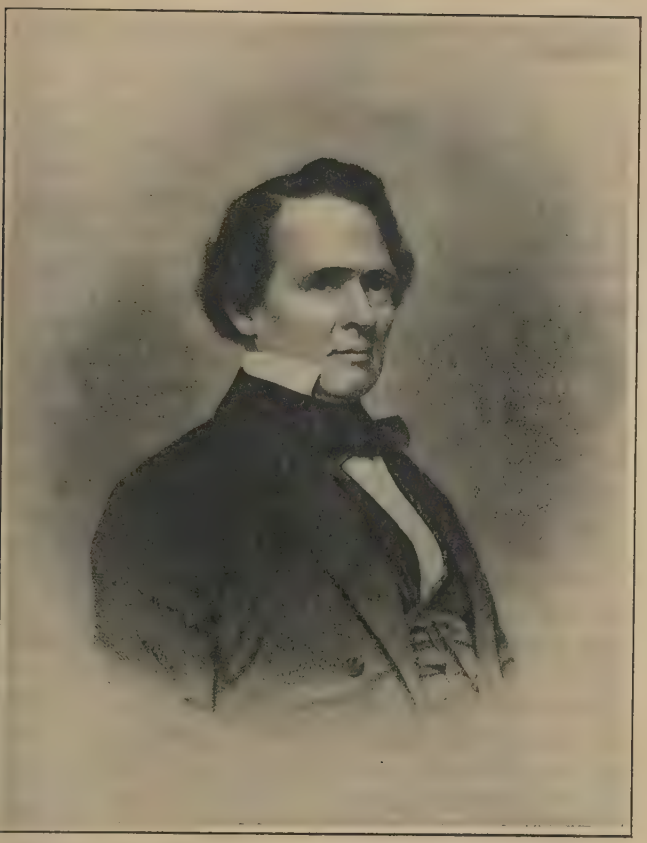


Among the earliest acts of his administration was the issue of an order directing a census of the territory to be taken, and of a proclamation calling an election for members of the first territorial legislature. This body was now to consist of two houses, and the counties of Vancouver and Lewis north of the Columbia, with Clatsop on the south side of it, formed a district, which was entitled to one member in each. Samuel F. McKean of Clatsop was elected to the council, and Michael T. Simmons representative.

As soon as possible after establishing the various branches of the territorial government, Governor Lane turned his attention to Indian affairs, of which, under the organic act, he was made superintendent. The war in eastern Washington and Oregon was not ended. The murderers of the Whitman party had not been surrendered or apprehended. He started, sometime in April, for the seat of war, where his experience as a soldier as well as his authority as governor and superintendent was likely to be useful. On his way he met and counseled with the chiefs and head men of the tribes on both sides of the Columbia, until he reached the Dalles, where he was overtaken by the news of the disturbance at Fort Nisqually and the murder of Wallace, and turned back to visit the Sound, where it seemed possible there might be more urgent need for his presence than further east. The advance guard of the mounted rifle regiment, so long before provided for as a protection for the settlers on the trail and in their new home, had now arrived, with news that the other companies, except two which had been left at Fort Laramie and one at Loring Cantonment, on the Snake River near Fort Hall, would soon be on the Columbia. Taking a guard of five men, as already detailed in

a previous chapter, he started northward and at New Market, after his visit to Fort Nisqually, he learned of the arrival of the steamer Massachusetts at Vancouver with the two companies of the first artillery regiment. He now felt himself sufficiently strong to put down any Indian uprising that might occur; to protect the settlers everywhere, and bring those who were guilty of the depredations already committed to justice.

On July 16th, the first territorial legislature met at Oregon City and remained in session one hundred days. Governor Lane, in his message, reviewed the needs of the territory, and pointed out the various ways in which they could be met, some by memorials to Congress, and some by proper legislative enactments. The county governments were to be organized, a reasonable revenue provided, the courts established, an election law enacted, and the murderers of the Whitman party and of Wallace apprehended and brought to justice. The last named duty he promised should have his earliest and most earnest attention, and, if the murderers were not promptly given up, chastisement should speedily follow, as soon as the remainder of the mounted rifle regiment should arrive.

The legislature carried into effect most of the governor's suggestions. The county organizations were arranged for, an election law passed, under which the necessary officers could be chosen at an early day. The names of several counties were changed, and among them that of Vancouver was changed to Clarke, and so both of the great explorers were honored by giving their names to the first two counties created in Washington.

It was also necessary for this legislature to pass a special act in order to provide for the prompt trial of the murderers

of Wallace. On May 15th the governor had divided the territory into three judicial districts, and assigned one of the three judges to each. The first of these districts embraced Vancouver, or Clarke County, and all the adjacent counties which had been settled south of the Columbia. To this district Chief Justice Bryant was assigned. All the other counties south of the Columbia were embraced in the second district, and Judge Pratt was assigned to it. All of what is now Washington, except Vancouver County, was the third district. This would have been assigned to Judge Burnett, if he had ever qualified, which he had not, having long before gone to California, and no successor had as yet been appointed. To obviate this difficulty, the legislature, at the suggestion of Governor Lane, passed an act attaching Lewis County temporarily to the first district, and empowering Chief Justice Bryant to hold a special term of court at Steilacoom to try the murderers of Wallace.

These had been given up on September 5th. They were delivered to the soldiers, who by this time had arrived and fixed their camp at Fort Steilacoom, a few miles east of the village. Only a few days before, on August 23d, Major Hathaway, Captain Bennett H. Hill and other officers belonging to the two companies of artillery, which had arrived in the Massachusetts at Vancouver, had visited Fort Nisqually,* and on the following day selected the ground on which they were to make their camp. Major Hathaway seems, by the record made at the fort, to have come overland, accompanied by Mr. Latta, formerly in the Hudson's Bay Company's marine service, while Captain Hill and his officers and soldiers came by "the chartered barque Harpooner," whose captain was accused of

* Journal of Occurrences, Fort Nisqually, August 23d.

smuggling goods and selling liquor to the Indians along the Columbia. They found Indian Agent Thornton still at the fort, where he had been since August 7th, but he had nearly completed his arrangements, so far as he was to carry them, and, on the day after the officers arrived, he closed his account at the Agricultural Company's store by giving Dr. Tolmie a signed statement of the purchases of blankets and trinkets he had made for presents to the Indians, amounting to $401.26, and $20 additional for expenses, both against Governor Lane, which were forwarded to Vancouver for collection, and he took his departure, accompanied by the captain of the Harpooner.

Besides fixing upon a location for the camp of Captain Hill's company, Major Hathaway wished to explore "some of the river estuaries and harbors along the continental shore of Puget Sound," the Journal of Occurrences says, and he intended to make his trip in the Harpooner, but for some reason, possibly because her captain had been sent to Vancouver with Indian Agent Thornton, this was not done, and a Skagit chief, who was visiting the fort, engaged to take him in his canoe. He left, accompanied by Mr. Latta, on the morning of the 25th and was gone six days. "They returned," as the fort chronicler says, "not much satisfied as to the capability of finding a fit site for a dock-yard or a town." They would no doubt be much surprised if they could return today and revisit the scene of their hasty exploration, but they might console themselves with the reflection that they were not the first to misjudge the sites of future cities.*

* In 1823 Major Long, the explorer, made this report of his observations at Chicago: "As a place of business, it offers no inducement to the settler; for the whole annual amount of the trade of the lake did

Patkanim and his tribe arrived at the fort on September 3d, and Dr. Tolmie sent the eighty blankets, which Agent Thornton had offered for the surrender of the murderers, to Captain Hill's camp, to be used as circumstances should require, and on the 5th the journal says: "All our engaged Indians off to Steilacoom to be present at the making up of the business with the Snoqualmies, which came off today, Dr. Tolmie and Mr. Todd being present. It ended in six of the worst being seized and confined. The names of the six are: Whyeek, Quallawowt, Cussas, Tahawai, Tatam and all of the Snoqualmies. Eighty blankets were paid out to the different chiefs of the tribe."

Two of the six, who were thus given up, were quite prominent in their several tribes. Quallawowt was a brother of Patkanim, and Cussas was a Skewhamish chief. They were speedily brought to trial. Chief Justice Bryant "and a large party arrived" at Fort Nisqually on Sunday evening, September 30th, and on Monday morning the trial began at Steilacoom, Dr. Tolmie and Mr. Ross, one of the clerks at Nisqually, being present as witnesses. The six prisoners,

not exceed the cargo of five or six schooners, even at the time when the garrison received its supplies from Mackinaw. It is not impossible that at some distant day, when the banks of the Illinois shall have been covered with a dense population, and when the low prairies which extend between that river and Fort Wayne shall have acquired a population proportionate to the produce which they can yield, Chicago may become one of the points in the direct line of communication between the northern lakes and the Mississippi. But even the intercourse which will be carried on through this communication will, we think, at all times be a limited one; the dangers attending the navigation of the lake, and the scarcity of harbors along the shore, must ever prove a serious obstacle to the increase of the commercial importance of Chicago. The extent of the sand banks, which are formed on the eastern and southern shores by the prevailing north and northwesterly winds, will likewise prevent any important works from being undertaken to improve the port of Chicago."

all of whom had been indicted, were arraigned, and Judge Alonzo Skinner was appointed district attorney for the trial, while David Stone was designated for the defense. The trial continued for the better part of three days, the court room being crowded with as many settlers and Indians as could find seats or standing room in or about it. Cussas and Quallawowt were found guilty and sentenced to death by hanging. The other four were acquitted, there being little evidence against three of them and none against the fourth, who seems to have been a slave, who, it was thought, was given up with the expectation, or at least the hope, that he could be shown to be the murderer and the others allowed to go free. If this was so the plotters found to their sorrow that the Boston man's courts were not to be so easily deceived.

In his report to Governor Lane of this the first criminal or civil case tried in any regular court north of the Columbia River, Mr. Chief Justice Bryant says: "The effect produced by this trial was salutary, and I have no doubt will long be remembered by the tribe. The whole tribe, I would judge, were present at the execution, besides a vast gathering of Indians from other tribes on the Sound. They were made to understand that our laws would punish them promptly, for every murder committed, and that they would accept no satisfaction short of all who acted in the murder of our citizens."

The Indians were no doubt as much impressed by the promptness with which sentence was carried out, as by the certainty with which punishment would follow their crimes, for Mr. Ross, in the fort journal says: "The jury of the Court held at Steilacoom having found a verdict of guilty against two of the Indian prisoners, Cussas and Quallawowt, they were sentenced to be hung, which sentence took place

at 4 a. m. [*sic*] this afternoon. The other four were liberated after a strict charge."

Many of the grand and petit jurors who attended this trial came from a distance of two hundred miles, Chief Justice Bryant says, as did Judge Skinner and David Stone, the two lawyers in the case. The two latter were allowed $250 each for their services, an allowance which the court thought not unreasonable, since they had to travel so far, "camp in the woods, as well as the rest of us, and endure a great deal of fatigue in the manner of travelling, in bateaux and canoes by water." The total cost of the trial was $1,899.54, to which should be added the cost of the eighty blankets given for the surrender of the guilty parties, and the $20 paid by Agent Thornton for traveling expenses, making a total of $2,320.80.

From the moment he assumed the duties of his office, Governor Lane labored assiduously to bring the murderers of Marcus Whitman and others at the Waiilatpu mission to justice. Negotiations with the tribes in the neighborhood were put on foot, and carried on almost continuously, until they were at last captured in the John Day country, by some Nez Perces, and delivered up for trial. Governor Lane received notice on May 2d, 1850, that they were at the Dalles and would be delivered to him as soon as he could come for them. He went up and brought them to Oregon City in person. They were five in number—Til-au-ka-ikt, Tamahas, Giaashetucteas, Clokamos, and Kimasumkin. The May term of the district court for Clackamas County was in session when they arrived, and they were at once indicted and sent to trial. Hon. Orville C. Pratt was the presiding judge. F. W. Pettygrove was foreman of the grand jury, and Amory Holbrook was prosecuting attorney.

The indictment was brought in on May 21st, and the trial began almost immediately, the prisoners being defended, both ably and zealously, if we may believe the brief reports of the trial that have been preserved, by Mr. Pritchett, the secretary of the territory, Paymaster R. B. Reynolds of the army, and Captain Clairborne of the Mounted Rifles. The defense first filed a plea to the jurisdiction of the court, contending that, at the time the crime charged in the indictment was committed, the laws of the United States had not been extended over the territory, and that, as a consequence, the court could not have jurisdiction to try this cause. This plea was overruled, and a motion for a change of venue to Clarke County, on account of the inflamed state of public feeling at Oregon City, was also made and overruled, and the trial proceeded. A jury was impaneled only after much difficulty. The testimony of the inmates of the mission who had escaped the butchery was taken. These were Mrs. Eliza Hall, Miss Lorinda (Bewly) Chapman and Josiah Osborne. Dr. McLoughlin, Rev. H. H. Spalding and Sticcas, the Indian who had long been employed at Waiilatpu, and who helped to pilot the emigrants of 1843 over the last part of their journey to the station, also testified. The evidence left no doubt of the guilt of the accused. The defense showed by the evidence of Dr. McLoughlin and Osborne that Dr. Whitman had been fully advised of the ill feeling among the savages toward him, and toward the members of his household, and was well aware of the danger which surrounded him. Sticcas testified that he had warned Dr. Whitman, and also Mr. Spalding, of the growing hostility of the Cayuses. It was shown that the Indians were accustomed to hold their medicine men guilty when one of their patients died, and to murder him if they

could do so, but this was ruled out. As to what was done at the time of the massacre, or who did it, the defense offered but little testimony. On the 24th the arguments of counsel were heard and the jury charged. The jury retired and after an absence of an hour and fifteen minutes returned a verdict of guilty. The attorneys for the defense moved the court for an arrest of judgment, and also for a new trial, but both motions were denied, and the prisoners were sentenced to be hanged June 3d. All except Kiamasukin subsequently confessed their guilt, and he admitted that he was present at the massacre, but denied that he had struck a blow or taken any part in it.

The finding and sentence was approved by Governor Lane, who also signed the death warrant. This was delivered to United States Marshal Joseph L. Meek, whose half-breed daughter was one of the victims of the massacre. Secretary Pritchett, one of the counsel for the accused, and who was about to become acting governor, by the resignation of Governor Lane, requested, or it is said even directed, Meek to suspend the execution of the sentence, but he refused. There was an immense assembly to witness the hanging, which was successfully carried out by Meek. It is said of him that when the drop fell the knot of one of the ropes failed to slip, as it should have done, and the Indian was slowly strangling, his neck not having been broken by the fall. Observing this, Meek, who was still standing on the scaffold, quickly put his foot against the knot and pressed it to its place, soon ending the victim's misery.

Thus the Indians were shown, for a second time, that justice would now certainly overtake them, and punish their misdeeds if they persisted in them. The two executions had a most wholesome effect, and during the five years

following, the settlers had little cause for anxiety on account of Indian hostilities.

The counties both north and south of the river were now organized, or in a fair way to have their organizations completed. The courts were open, and the authority of the territorial government everywhere established, so far as the settlers had urgent need for it. Governor Lane now tendered his resignation, to take effect June 18th, at which time he expected to have completed negotiations with certain tribes of Indians in southern Oregon, and subsequently went to California for a time. Major John P. Gaines had been appointed to succeed him and was soon to arrive.

The steamer Massachusetts, besides the two companies of the first artillery, had brought out a commission composed of Brevet Colonel J. L. Smith, Major Cornelius A. Ogden and Lieutenant Danville Leadbetter, of the army, and Commanders Louis M. Goldsborough, G. J. Brunt and Lieutenant Simon F. Blunt, of the navy, "to examine the coast of the United States lying upon the Pacific Ocean, with reference to points of occupation for the security of trade and commerce, and for military and naval purposes." They entered immediately upon their work, coming to the Sound, where they remained several months, exploring its numerous harbors, bays, inlets, and points where fortifications should some time in the future be established. They then examined the coast from Cape Flattery to the Columbia River. The name of Leadbetter Point, on the south shore of the entrance to Shoalwater Bay, remains a monument of their work.

Samuel R. Thurston was the representative of the new territory in Congress, and was demonstrating to statesmen of the McDuffie and Mitchell school that it was possible

for a representative from a place so far away to get to Washington and return home, and still have some time left to serve his constituents.

General Adair, the new collector of customs, established his authority more at leisure, and yet not without some spectacular effects. He was a Kentuckian by birth and had been a slaveowner. He had emancipated his slaves and moved with them to Indiana, from which State he was appointed collector by President Polk. He came to the coast by way of the isthmus, going to Panama via New Orleans. The overcrowded steamer by which he came from Panama to San Francisco was out of fuel twice, and on fire twice, on the way up. Arriving at San Francisco he was urged to remain there for a time, and report that there was far more need of a custom house at that place than at Astoria, but feeling that it was clearly his duty to proceed to his destination, he took passage with his family by the first vessel offering, which was the brig Valadora, Captain Nathaniel Crosby, and after a voyage of twenty-eight days, during twenty-four of which the passengers worked with the crew at the pumps to keep the vessel from sinking, arrived at Astoria early in April 1849.

During the succeeding ten months the new collector seems to have found little to do. By the organic act the president was authorized to designate two ports of delivery in the district, and this was done by proclamation of January 10th, 1850, designating Portland and Nisqually.

In those days the mail for Oregon came by way of Panama, and under the contract with the carriers, Howland & Aspinwall, was to be carried in steam vessels "via some port in California" though north of it, it might be carried in sailing ships, but mails must be received and delivered as

often as once a month "at or near Kalamath River." This arrangement continued for nearly a year and a half after Collector Adair reached Astoria, when Delegate Thurston, Oregon's first representative in Congress, secured an improvement in the service, by which the mails north of San Francisco were carried in steam vessels. Under this new arrangement the steamer Carolina of the Pacific Mail Steamship Line, arrived at Portland early in June 1850, with mails and passengers, and on June 13th came to the Sound and her officers paid a visit to Dr. Tolmie at Nisqually. She was succeeded at irregular intervals by the California, the Sea Gull, the Panama and the Oregon, until March 1851, when, by the arrival of the Columbia, a regular steam mail service was established between Portland and San Francisco.

As soon therefore as news of the proclamation designating the two ports of delivery could have been received at the custom house at Astoria, the new collector began to exercise his authority with vigor. Since his arrival, as before, the Hudson's Bay Company and the Puget Sound Agricultural Company had carried on their business as they had done for many years, their ships coming and going between Vancouver and Nisqually and Victoria with no customs officers to annoy them. Every year a new stock of goods, suited to the uses of the settlers and the Indians, had been brought from England, and after June 15th, 1846, when the boundary question was settled, all these should have been entered at the custom house, if there had been one where they could enter. No charge was made then, nor has any been made since, that the Company sought to avoid paying duties on these goods. There was no representative of the United States there to receive

them, and therefore they were not entered or the duties paid.

Great was the surprise, therefore, of the good Dr. Tolmie to receive on the evening of April 13th, 1850, news that the Company's ship Cadborough was to be seized for violating the revenue laws. The Cadborough was a small vessel of seventy or eighty tons register, which had for many years been in the Company's service. She had made frequent trips to the Sandwich Islands in earlier times, on which she carried letters for the missionaries and earlier settlers to their friends in the Eastern States. She had also carried the officers and crew of the United States Schooner Shark from Fort Vancouver to San Francisco, after she was wrecked at the mouth of the Columbia in 1846. In later years, she had been in service between Victoria and Nisqually, and frequently made trips to Forts Langley and McLoughlin. She frequently made as many as two and three trips a month, when the weather was favorable, between Victoria and Nisqually, bringing in goods for the Company store from the former, and taking out cattle and sheep and furs from the latter.

She arrived at Fort Nisqually on the evening of April 13th, 1850, and dropped anchor not far from the Company's store on the beach as usual. She had on board a few passengers, among whom was a young man named Edward Huggins, who had just arrived from England, with the intention of remaining one year as a clerk in the Company's service. He was destined to remain through a long and useful life, to be the last chief factor of the Puget Sound Company, to serve Pierce County faithfully in offices of trust and responsibillty, and finally to die respected and regretted by all who knew him.

The people about the fort, Indians and white men, were set to work as usual, to transfer the cargo from the ship to the warehouse, but early next morning their work was interrupted by the appearance of Lieutenant Dement and a file of soldiers from Fort Steilacoom, who took possession of the ship, lowered her British ensign, and ran up the Stars and Stripes in its stead, and sent Captain Sangster and his crew on shore. When Dr. Tolmie asked for an explanation of this procedure on the part of his tenants—the soldiers were then occupying grounds and buildings at Fort Steilacoom leased from the Company, as they did for a long time afterwards—he was told that it was done by order of the collector of customs, whose representative would soon arrive and make formal seizure. The doctor protested that the Company had never sought to evade payment of duties, but was ready, and always had been, to pay whenever a custom house was established, or a duly authorized officer sent to receive them, but he protested in vain. Lieutenant Dement could do nothing but obey orders, and obey orders he did, taking the ship down the bay toward Steilacoom in the afternoon, by the aid of some of his soldiers who had once been sailors.

So matters remained until the 19th, nearly a week later, when Inspector Eben May Dorr arrived from the Columbia, and in company with Captain Hill from Fort Steilacoom called at Nisqually early in the afternoon. "After having some wine and cake," says Dr. Tolmie, in the fort journal, as if he felt that his hospitality was but poorly requited, "they proceeded toward the beach store, where in presence of myself, Mr. Dixon,* and Captain Hill, and calling Glasgow the squatter as a witness, he seized on all the imported

* Dixon was mate of the Cadborough.

goods in the store," and even on some that he was not quite sure that he ought to seize.* The doctor protested at every step of the proceeding, but to no purpose. Mr. Dorr was not at all particular about exceeding his authority; his chief concern seemed to be lest he might not do enough. The following day an inventory of everything in the store was made, the doctor, Mr. Huggins, Ross, a clerk, and Captain Sangster assisting, and then Glasgow, "the squatter," was placed in charge as custodian.

This appointment of Glasgow was almost as distasteful to Dr. Tolmie as the seizure itself. Glasgow had recently taken a claim between the fort and the beach, on land claimed and used by the Company in its business. He had served formal notice on Dr. Tolmie to make no further improvements on this ground, and the doctor had given him equally formal notice to leave. But neither in the slightest degree obeyed the mandate of the other. The doctor continued to receive and dispose of goods at his store, and Glasgow built a cabin in which he kept a little store, and started to build a mill at the mouth of the Sequalichew Creek, where there was a considerable waterfall, which he had been careful to include within the limits of his claim. The doctor charged him also with living with an Indian woman, and with selling liquor to the Indians, making them ugly, noisy and causing a great deal of confusion about the place, which had usually been quiet and orderly enough before he appeared there, and much ill feeling had resulted.

After making the seizure and installing Glasgow, Inspector Dorr disappeared for a time, going down the Sound on other urgent business, and for the next few days Dr. Tolmie was left to arrange matters as best he could with Captain

* See Appendix for full details of the seizure as given in the fort journal.

Hill and the exceedingly technical and authorative Glasgow. It was only with the utmost difficulty that he could arrange to secure sufficient supplies from the store, which had not been sealed up before Mr. Dorr's departure, to furnish his table and feed his numerous employees. On the evening of the 20th, Dr. Tolmie started for Victoria, to confer with Chief Factor Douglas about the seizure, and the measures to be taken to secure a release of the seized goods, and during his absence the fort journal was kept by Captain Sangster, who, careful mariner that he was, made painstaking entry in it three times a day, morning, noon and night, of the direction of the wind and condition of the weather, and, between times, of his troubles with Glasgow in securing something to live upon. Dr. Tolmie returned on May 2d, and immediately began a correspondence with Vancouver, with Captain Hill at Fort Steilacoom, and with Inspector Dorr, who arrived back from his business down Sound on the 12th, in regard to the release of the seized ship and goods, as the result of which he learned that nothing could be done until the inventories, which Dorr still had with him, could be inspected at Astoria and the collector's instructions received. A month later General Adair himself arrived at the fort, and on June 19th, the duties claimed were paid and the ship and goods released, Glasgow insisting that every package of which he had charge should be specially examined and turned over in his presence, which was done.

Meantime the cause of Inspector Dorr's hurried departure down Sound, after the seizure of the Cadborough, had become known, for he had returned to Steilacoom on the British ship Albion, which he had seized at New Dungeness, for a far more serious offence than the Cadborough had been

guilty of. This ship had been sent out from England, the year before, to Vancouver Island for a cargo of mast timbers for the British navy. She was in command of Captain Richard O. Hinderwell, with Captain William Brotchie as supercargo. Brotchie had been in the service of the Hudson's Bay Company on the Sound some years before, as commander of the Beaver and other vessels, and knew all its bays and inlets, as well as the country along its shores, thoroughly. He had discovered the reef just off Victoria Harbor, that is now known as Brotchie's Ledge. After leaving the service of the Company he had returned to England, where he had no doubt been instrumental in inducing the owners of the Albion, who had a contract with the British admiralty to furnish spars, to seek them in the Sound region. The written instructions from the owner, given both himself and Captain Hinderwell, indicate this very clearly. They were to seek their cargo on Vancouver Island, where permission to cut timber at a cost of ten pounds sterling per load, and to traffic with the Indians for their labor, but not for furs, had been obtained from the Hudson's Bay Company. Capt. Brotchie was furnished with goods to the value of £720 for the latter purpose. After finding a safe harbor on the north side of the strait, Brotchie was to "proceed with a boat, well armed and manned, up to Port Discovery, and examine the harbor and wood well there, and if suitable timber, and easily got out, use your own discretion whether you load your spars there or not." If he could buy forest land there cheap, "and with a good title," he was authorized to buy a square mile of it, and leave some one on it to hold possession. Captain Hinderwell's instructions contained this paragraph: "On the south side of the straits is Port Discovery, a very good harbor,

and I believe plenty of spars, that now belong to the Americans, and if they are the best spars, I have authorized Captain Brotchie to arrange and purchase forest suitable for your purpose, provided he can purchase it very cheap—I mean on the American side of the straits."

Whether the Albion ever sought any harbor on Vancouver Island is not known. The instructions above quoted indicate pretty clearly that the owner knew the best spars were to be had on the American side, and that he expected his ship to load there. Captain Brotchie told Mr. Huggins,* after the seizure, that they arrived at Port Discovery about December 21st, 1849, and began at once to cut and take their cargo on board. This was not very easy to do. There were no oxen nor horses then in that region to do the hauling required. The timbers needed were to be from seventy to ninety feet long, clear of sap, and from twenty-four to thirty inches square at the butt and not much smaller in the middle. These timbers were cut and squared under the direction of William Bolton, the ship's carpenter, afterwards for many years a resident of Steilacoom. Then they were dragged to the water by the Clallam Indians, who were paid in the "shop clothing, tobacco, female ornaments, clasp knives, fishhooks, files and needles" with which Brotchie had seen supplied for this purpose. A four-inch hemp hawser was fastened to each log, when ready, and then as many Indians as possible would get hold of it, and with many a "Naw! Skookum Kanowah!" drag it to the ship. When Inspector Dorr and his file of soldiers from Fort Steilacoom appeared and took possession of the ship, only seventeen of these timbers had been got on board,

* This entire account of the seizure of the Albion is taken from a manuscript left by the late Edward Huggins.

although nearly four months had elapsed since she had commenced loading. The Albion was taken to Steilacoom where her captain and supercargo protested against the seizure, declaring that they did not know that any custom house had been established on the coast, where they could make entry or get clearance, or that they were not proceeding in a perfectly lawful and proper way in purchasing timber from the Indians, as they declared they had done. But their protests were of no avail. On November 2d, District Attorney Holbrook advised the solicitor of the treasury that a decree of forfeiture had been entered at the last term of the district court, held in Clarke County, against the British ship Albion, her tackle, apparel and furniture, and also the goods and merchandise she had on board, for a violation of the revenue law. She was accordingly ordered sold, and the sale was held at Steilacoom, Marshal Meek officiating. Though the ship was of 500 tons register, and was valued by her owners at £10,000, or nearly $50,000, she was sold for only $1,450. John McLeod, the old engineer of the Beaver, but who had now taken a claim near Muck, was one of the bidders and was much disappointed when a party of Olympia capitalists outbid him. He was obliged to stop when the bidding passed $1,400. The nominal purchaser was Major H. A. Goldsborough. The new purchaser loaded the ship with piles, potatoes and fresh beef and sent her, under command of Captain Fay, to San Francisco, where the cargo was readily sold at a good profit; but the ship was not so easily disposed of. The harbor was then full of ships which had been deserted by their crews, and left to rot idly in the harbor. It is reported that she was subsequently used for some time as a lodging house, and finally filled with stones and sand, like many other

hulks, and sunk to help fill in that part of the bay, on which the busiest part of San Francisco now rests.

The seizure and condemnation of the ship subsequently became the subject of some diplomatic correspondence and negotiations between Great Britain and the United States. Honorable Thomas Corwin, then secretary of the treasury, sent an order to Collector Adair to release the ship and her cargo, upon payment of costs, if she had not already been condemned, but it did not arrive until she had been sold and turned over to her new owners.

By these several acts was the authority of the United States, and the new territorial government of Oregon, established north of the Columbia, and the majesty of the law vindicated in the fruitful region that was soon to become Washington.

Chapter XXXVIII.

PROGRESS OF SETTLEMENT.

THE discovery of gold in California turned the tide of emigration, which was setting strongly toward Oregon in 1847, to the southward. But for that discovery, Oregon and Washington would have been peopled far more rapidly than they were, and one or both might have jumped to statehood almost as quickly as California did. No unsettled territory belonging to the United States, at that time, was so well known or so much talked about. The debates in Congress from 1820 to 1828, on the measures proposed by Floyd and Baylies, had awakened interest in it. This interest was very greatly increased by Senator Linn's proposal, in 1839, to give each settler a whole section of land, if he would go with his family and select it, and live on it for five years. There were many landless people in that day, and the prospect of securing a home on such sure and easy terms was pleasing to them.

That England disputed our claim to the country was well understood, but our title to it, though questioned, was not doubted. That we had discovered it, explored and settled it, lost it by war and had it restored to us by treaty, had been repeated in so many reports and declared in so many speeches that every schoolboy knew the story. The joint occupation arrangement was regarded with growing disfavor, for after the time of Bonneville and Wyeth it was apparent enough that, while the country might be as free and open to the citizens of the United States as to the subjects of Great Britain, the British monopoly was so strongly intrenched in it that no American could remain in it without the monopoly's consent.

This condition of things was not likely to be tolerated for a great length of time after it began to be understood. The thirty thousand settlers with their thirty thousand

rifles, that Senators Tappan and Benton had spoken of, were waiting only for a leader. Some of them had already started with Farnham, and more would go with White, and Burnett and Applegate and Whitman and Gilliam.

The donation act, commonly known as the Oregon Land Law, did not become law until September 27, 1850, when it was approved by President Fillmore. Previous to that time all the settlers who had made the long and toilsome journey to Oregon, had made it in the confident expectation that the act would become law, but with no certainty that it would do so. But now there was no longer any doubt. After long deliberation it had finally been decreed that every citizen above the age of twenty-one years, who will go to Oregon, two thousand miles away, select a half section of land, live upon and cultivate it for a full period of five years, shall, upon proof duly made, receive a patent for it, as the free gift of a generous nation: if he be a married man and will take his family with him on this perilous journey, he may choose a full section of six hundred and forty acres. But he must go within three years and a few months from the date of the act, viz., before December 1st, 1853. The public lands are a valuable asset of the nation, and cannot be thus generously distributed for a very long period. In those days the annual revenue derived from land sales was about one-twelfth of the government's entire income, and in the opinion of the most enlightened statesmanship of the time, it would not do to imperil this source of revenue for a longer period. Subsequently, on February 14th, 1853, the act was extended for two years, though the amount of land the settlers might take during those years was reduced to one-half of that allowed by the original act. December 1st, 1855, was therefore the utmost limit within which homes

might be secured by the homeless at that time, at the trifling cost of making a journey of two thousand miles with wife and family and an ox team to secure it. The homeless must therefore make haste if they would avail themselves of the bounty of a generous government.

But the homeless did not make haste, as their conduct previous to the adoption of the act gave promise they would. They no longer came by three thousand and five thousand a year as in 1845 and 1847. The land offices were established and open, the surveyer general had been appointed and was at work, but their offices were not thronged as was expected, and there was no very urgent demand for their services. In 1851, as the records show, only fifty-eight entries were made in Washington, and in the following year only one hundred and seventeen.

Many of the settlers appear to have made a tour of the Sound before selecting their claims. We have seen that Simmons and his party did so in 1845, and John C. Holgate in 1850, while Ezra Meeker has told, with some detail, the story of his trip around it with his brother in 1853. Very many others made a similar journey soon after their arrival. Coming as most of them did from the inland States, they were curious to know what tide water was like, for they had heard much about it, and its value to commerce, and they were anxious to make their new homes as near it as possible. It was for this reason that the attractions of Whidby Island so early came to be known and appreciated.

This island is about thirty-five miles long and generally very narrow. Its shore line is very irregular, and even in its broadest part it is difficult for the traveler to find a spot where he is more than two miles from salt water in some direction. Through a great part of its length it is not more

than three miles wide, and in some places scarcely more than one. It lies immediately abreast of the Strait of Fuca, and there is scarcely a point on it that does not command a view of that magnificent channel, or its tributary waters, as well as of the symmetrical snow-covered peaks of the Cascade Range toward the east. Its surface is generally level, and its soil extremely fertile. Only a small part of it was heavily timbered; the remainder bore in summer a luxuriant growth of tall grass, which afforded excellent pasturage for herds of deer and elk, and the whole presented a most attractive prospect to the claim seekers. It was a favorite hunting ground for the Indians, particularly for the Snoqualmies and the Skagits, who dwelt on the mainland to the eastward, because the island was too much exposed to the raids of the marauding Haidahs, whose home was far to the north on the shore of Queen Charlotte's Sound, and who frequently swept down along the coast in their huge war canoes, spreading desolation in every part of the country they visited. From it they could watch for the approach of these murderous raiders and, upon their appearance, retreat to the mainland with little danger of pursuit.

Affording them, as it did, a prolific hunting ground and a safe defense against their enemies, it is not surprising that these Indians regarded the efforts of the earliest settlers to make homes there with extreme disfavor. They compelled Glasgow and Rabbeson to leave it in 1847. Some time later Samuel Hancock, the trader, sought to make a location there, but found his presence so unwelcome that he, too, determined to go elsewhere.

On October 15th, 1850, Colonel Isaac N. Ebey located a claim on the west shore of the island nearly opposite Port Townsend, at a place which is still known as Ebey's Landing.

Although he probably did not immediately begin his permanent residence there, he must undoubtedly be regarded as the first settler in this favored locality. A few weeks later Clement W. Sumner, Martin Taftson and Ulric Friend selected neighboring claims on the north shore of Crescent Harbor, where the village of Oak Harbor now stands. Their applications, subsequently made at the land office in Olympia, show that they entered upon these claims on the fourth day of January 1851. In February, Dr. R. H. Lansdale visited the island, making the trip from Olympia in a canoe. He chose a claim near those selected by Sumner, Taftson and Friend, though he did not enter upon it, as the record shows, until March 1852. He was at the time justice of the peace for Lewis County, which still included all that part of Oregon lying north of the Columbia and west of the Cowlitz River, and Oregon was at the time believed by many to extend as far north as the Russian boundary. Although his jurisdiction was extensive for a justice of the peace, his duties were not numerous, and yet they seem to have been sufficiently important to detain him at Olympia for more than a year after he had resolved to remove to the island. In August William Wallace and his family joined the little colony. They brought with them a number of horses, which were probably the first on the island.

With the emigrants who crossed the plains in 1851 came the wife of Colonel Ebey and their two sons, Eason and Ellison. They remained at Olympia during the following winter, and in the spring of 1852, a commodious scow having been built for the purpose meantime, they continued their journey down the Sound to the claim which the colonel had selected more than a year before. They were accompanied on the voyage by the Crockett family,

who had been their companions on the longer journey from Missouri.

Colonel Walter Crockett was a native of Virginia and had served three terms as a member of its legislature. He had also been chosen as one of its electors, and as such had cast a vote for Andrew Jackson. He had seen service as a soldier in the war of 1812 and subsequently, for several years, had borne a colonel's commission in the State militia. In 1838 he had removed to Boone County, Missouri, where he became acquainted with Colonel Ebey, and through him, and his son Samuel B. Crockett, who had been a member of the Simmons party, he became interested in the Pacific Northwest. Another son, John Crockett, who had accompanied him from Missouri, seems to have preceded the family to Whidby Island, as his claim, which is near that taken by Col. Ebey, was located in March, while Colonel Crockett's was not taken until November.

In November of this year Thomas Coupe arrived and chose a claim on the south shore of Penn's Cove, on which he later laid out the town of Coupeville. During this year sixteen claims were taken on the island. Early in the following spring it was reported that there were a large number of emigrants in Portland who were without money, or the means of making any extended exploration before selecting their claims. On learning this, these earliest settlers on the island chartered the bark J. T. Cabot, Captain Dryden master, and sent her to the Columbia to bring over as many of them as she could carry, "money or no money."* She returned some time late in April, or early in May, bringing a considerable number of families, together with their goods. Other families came over the Cowlitz

* The "Columbian," January 22d, April 2d and May 12th.

trail or up the coast from California, and, by the close of 1853, the island was one of the best settled portions of the territory.*

The first claim selected in the lower Sound country, and held until the title to it was finally secured, was chosen by Henry C. Wilson, who was, for a time at least, a clerk for Lafayette Balch. He was a native of Boston, and may have come to the Sound country with Balch in the George Emery, though there is no certain evidence that he did so. He was put in charge of Balch's store after it was established at Steilacoom, early in 1851, but previous to that time, and apparently in August 1850, he had chosen a claim which is now a part of the site of Port Townsend. He did not take immediate possession of it, however, though he may have had more to do than now appears with the founding of the city.

* Those who took claims on the island during these two years, with the date of entry in each case, as shown by the land office records, are as follows:

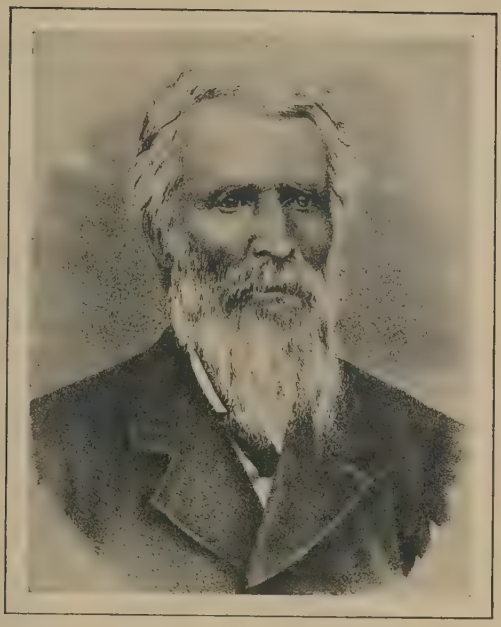
Crockett, John, Mar. 30, 1852.
Lansdale, R. H., Mar. 31, 1852.
Shaw, Dan., Apr. 27, 1852.
Howe, S. D., May 5, 1852.
Holbrook, Richard, May 5, 1852.
Ross, R. W., June 1852.
Davis, Thos. S., July 1, 1852.
Alexander, Jno., Aug. 1, 1852.
Bailey, R. S., Sept. 1, 1852.
Smith, Jacob, Oct. 10, 1852.
Crockett, Walter, Nov. 1, 1852.
Engle, W. B., Nov. 20, 1852.
Hill, N. D., Nov. 20, 1852.
Maylore, Thos., Nov. 25, 1852.
Coupe, Thos., Nov. 20, 1852.
Ross, Benj., Dec. 1, 1852.
Hill, R. C., Feb. 10, 1852.
Mounts, M. L., Apr. 17, 1853.
Maylord, Sam'l, Apr. 23, 1853.
Doyle, Pat., May 1, 1853.
Hastie, Thos., May 10, 1853.
Maddox, R., May 6, 1853.
Welcher, B., May 1, 1853.
Hutchins, Thos., July 1, 1853.
Mounts, J. H., Aug. 29, 1853.
Thorndyke, J. K., Sept. 1, 1853.
Kellogg, J. C., Sept. 9, 1853.
Crockett, J. B., Sept. 17, 1853.
Smith, Jos. S., Oct. 2, 1853.
Power, J. B., Oct. 17, 1853.
Burston, B. P., Nov. 1, 1853.
Sebers, Chas., Nov. 15, 1853.
Brumm, Raphael, Nov. 20, 1853.
Kurrah, Jno., Nov. 26, 1853.
Welcher, D., Dec. 6, 1853.

Alfred A. Plummer and Charles Bachelder came up from San Francisco with Balch in the George Emery in December 1850, and spent the winter cutting timber on the peninsula north of Steilacoom, as has been already stated. Finding it difficult, and probably unprofitable, to get their logs to deep water after they were cut, as they had no oxen of their own and there were but few in the neighborhood, they resolved to seek claims of their own in some locality where the product of their labor could be got on board ship with less difficulty, and where the land, when they had cleared it, would belong to them. They accordingly went to Port Townsend Bay, at the recommendation of Balch, as Evans says, though it is quite probable that Wilson had as much to do as Balch had in giving direction to their explorations, as they had no doubt spent more or less time at the store in Steilacoom, of which he was in charge, during the winter. They arrived at Port Townsend in April and selected adjoining claims fronting on the bay. Plummer's application at the land office shows that he entered upon his claim April 24, 1851. This therefore is to be regarded as the date of the beginning of Port Townsend. Winthrop, who saw it more than two years later, speaks of "the house, the saw mill, the bluff and the beach called Port Townsend," but he was at the time so exasperated with the conduct of the drunken Clallams, with whom he was trying to negotiate a passage to Nisqually, that he doubtless did not intend to describe it accurately. At any rate it is certain that it had claims to recognition as a thriving settlement, if not as a metropolitan city, that he did not see, or at least did not recognize.

In November, F. W. Pettygrove and L. B. Hastings arrived, and, after examining the townsite to their satisfaction, returned to Oregon for their families. They did not

F. W. PETTYGROVE.

This pioneer settler at Port Townsend came to Oregon in 1842, and was a member of the debating club at Oregon City, in which the questions pertaining to the formation of the provisional government were so fully discussed. He went from Oregon to California, and returned north to Port Townsend in 1851, residing there until his death in 1887.



come back until spring. Meanwhile Hastings purchased the pilot boat Mary Taylor, which in her time rendered service to the settlers of both Oregon and Washington which entitle her to a place in history, and early in February sailed for the Sound, having among her passengers Hastings and Pettygrove and their families, David Shelton and family, Benjamin Ross and family, Thomas Tallentire and family, and Smith Hayes. Of these Hastings, Pettygrove and Ross remained at Port Townsend, Shelton became the founder of the town which bears his name and is now the county seat of Mason County, Hayes settled in Thurston, and Tallentire in Pierce counties.

They arrived at Port Townsend on February 21st, and were welcomed by Alonzo M. Poe, A. B. Moses, B. J. Madison, Henry C. Wilson, most of whom were visitors and who, all together, outnumbered the permanent residents of the settlement. The families of Pettygrove, Hastings and Ross were given shelter, for the time being, in Plummer's cabin, which was fifteen by thirty feet in size, and built of logs, as all buildings were at the time. Later J. G. Clinger and family arrived, and they also were made at home for the time being under Plummer's hospitable roof.

Pettygrove and Hastings immediately selected claims adjoining those of Plummer and Bachelder, and their applications at the land office show that they entered upon them just a year to the day after Plummer had taken his. These four earliest settlers then agreed together to lay out a townsite in which each should be equally interested, and each contributed one-fourth of his claim for the purpose, though the claims of Pettygrove and Hastings, who were married, were twice as large as those of Plummer and Bachelder, who were single. The arrangement, however,

was not an inequitable one, as the claims of the two latter were more favorably located with reference to the harbor.

The four also formed a company, or perhaps a partnership, for business purposes, for which they were well assorted. Pettygrove had come out to Oregon earlier than the others, having arrived in 1842, via Cape Horn, with a stock of goods which he was to sell as agent for the owners. He opened a store at Oregon City, where he did a thriving business, and in time opened another at Champoeg where, as at Oregon City, he did a considerable business in grain and furs, as well as in general merchandise. He was a member of the debating society in which the provisional government was so earnestly discussed by Dr. McLoughlin, Abernethy and others, as already described. He had also been a member of the grand jury which indicted the murderers of Whitman, and in fact during the whole period of the organization and existence of the provisional government he had borne in or toward it the part of an active and useful citizen. Together with A. Lawrence Lovejoy, who had made the long winter ride across the mountains with Whitman in 1842-3, he had selected the ground on which Portland now stands, as the site for a future city, and made the first plat of it. But they sold out early and Pettygrove went to California, where he was not successful, having lost nearly all he had made in Oregon, in real estate speculations.

Plummer, like Pettygrove, was a native of Maine though he had learned the trade of a saddler and harness maker in Boston. He had started west in the employ of the quartermaster's office in the third infantry, but left the service at El Paso, crossed Mexico to Mazatlan, and came thence by sea to San Francisco. Here he worked for a time in a hotel, and then came north with Balch.

FIRST HOUSE IN JEFFERSON COUNTY.

Built at Port Townsend by A. A. Plummer in 1851. It was for a time the home of all the first settlers at Port Townsend.

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Hastings had crossed the plains in 1847. He was a native of Vermont, but afterwards removed to Illinois, and early in life learned the trade of dyer and wool carder. He located in Portland, upon his arrival in Oregon, but soon after went to California, where he made money in merchandising. Upon his return to Portland he induced Pettygrove to join him in a trip to the Sound, where both decided to remain.

Of Bachelder but little is now remembered. He appears to have been a man of irregular habits, and it was no doubt for this reason that the partners agreed that if any of them should so far neglect his duties, by reason of intemperance, as to become objectionable to the others, they might acquire his interest at a price agreed upon. This part of the agreement was in time enforced against Bachelder, who never perfected his title to his claim.

In May Albert Briggs arrived. In June came Ruel W. Ross, in October Thomas W. Hammond, and in November John Harris. These and others already named were the only settlers who took claims under the donation act in the vicinity of Port Townsend.*

The first building erected, after that of Plummer, was by R. M. Caines, who built a hotel on Water Street, and in it the first newspaper in the place had its office some years later. Houses were put up as quickly as possible for the several families, who doubtless found themselves rather

* They arrived and took their claims in the following order as shown by the record in the surveyor general's office:

A. A. Plummer, Apr. 24, 1851.
H. C. Wilson, Apr. 19, 1852.
F. W. Pettygrove, Apr. 24, 1852.
Loren B. Hastings, Apr. 24, 1852.
J. G. Clinger, May 1852.
Albert Briggs, June 25, 1852.
Ruel W. Ross, June 1852.
T. M. Hammond, Oct. 4, 1852.
John Harris, Nov. 1, 1852.
Benjamin Ross, Dec. 1, 1852.

uncomfortably crowded in Plummer's cabin. The first to be got ready was Wilson's and the next Clinger's.

The principal business of the time, at all points on the Sound was in cutting piles and squared timbers for the California market. San Francisco, at first a city of tents, had already been burned and rebuilt several times. In the rebuilding much of the timber in the immediate neighborhood of San Francisco Bay had been cut and used, and after the great fires of May 4th and June 22d, 1851, which swept away more than $10,000,000,* the forests of Oregon, and particularly of the Puget Sound country were called upon to provide material for another rebuilding. The long wharves which had been built of material which this region had already supplied, were also destroyed, and although a large part of Yerba Bunea Cove was now to be filled in with the debris which the repeated fires had left, new wharves were still needed, and the Sound country was called upon to furnish the material. The demand for what the settlers could most easily furnish was therefore good, and their business prospered. Pettygrove had brought with him three ox teams. Briggs also owned some cattle and a few horses. The little colony at Port Townsend was therefore well equipped for getting out piles, and squared timbers to be sawed in the mills at San Francisco when they arrived there, and the firm of Plummer, Pettygrove & Hastings did a thriving business in this line. During the summer of 1852 and the winter following they sent three cargoes to San Francisco—one by the brig James Marshall, one by the brig Wellingsly and one by the bark Amelia. They also kept a general store in which they did a profitable business.

* Bryce's California, pp. 385-389.

The Puget Sound customs district was established in 1851.* The custom house was located at Olympia, but an inspector was stationed at Port Townsend. Henry C. Wilson was given the appointment, and he was therefore the first public official, as well as the first to make a land claim, in the new city.

During this first year the Indians living in the neighborhood gave the settlers some annoyance, though they caused them but little anxiety. The Clallams were always more truculent than most of their neighbors. The Hudson's Bay people had trouble with them on more than one occasion, and it was not until Dr. McLoughlin had sent Ermatinger to show them what the cannon of the Cadborough could do upon occasion, that its traders could do business among them with safety. Their temper had not been improved by the quality of fire water with which the captains and crews of the early lumber ships had supplied them. They looked upon the arrival of white people who began to cut timber, build houses, and give other indications of an intent to remain permanently in their country, with evident displeasure, and they early served notice on them not to cultivate the ground and to cease cutting their trees. They offered no violence, however, though their conduct gradually became more annoying until the surveying steamer Active visited the harbor during the summer. Her brightly polished cannon, displayed on the upper deck, perhaps recalled to their minds their experience with Ermatinger and the Cadborough, and thereafter they gave the settlers but little annoyance.

The next new settlement in point of time was made in the Duwamish Valley, on ground which the city of Seattle has

* By the act of Congress approved February 14th of that year.

already begun to invade. In the fall of 1851 Luther M. Collins, Henry Van Asselt and Jacob and Samuel Maple came to the Sound country from California. Collins had selected a claim on the Nisqually, and had been well known at the headquarters of the Puget Sound Agricultural Company, before going to the gold fields. Van Asselt had crossed the plains in 1850, and spent one winter in Oregon. He then went to California in company with James Thornton, Charles Hendricks and two others who had been his traveling companions of the preceding year. After working five weeks in the mines their water supply gave out, and, having cleaned up about $1,000 each, they concluded to return to Oregon. On the way they fell in with the two Maples, Hill Harmon, who had chosen a claim near where Tacoma now is, and Collins, who persuaded them to look over the Sound country before locating elsewhere. They were not satisfied with the prospects in the neighborhood of Collin's claim. Van Asselt had been born and grown to manhood in Holland and, like the early Dutch settlers in New York, as described by Irving, probably thought he wanted a place where dykes were required and piles could be easily driven. Collins, in his travels about the Sound before going to California, had seen a fine stretch of level river bottom land, such as Van Asselt seemed to be looking for, and rather than see his friends return to the Willamette, he offered to escort them to it if they would go. A canoe, with a party of Indians to paddle it, was accordingly procured and Collins, Van Asselt and Jacob Maple, accompanied by Van Asselt's friends, Thornton and Hendricks, and a man named Balland, set off down the Sound on the morning of September 12, 1851, for Elliot Bay. On the evening of the 14th they camped on its western shore, and on the 15th entered the

EDWARD HANFORD.

One of the early settlers in King County. In the '50's he was a well-to-do farmer in Van Buren County, Iowa. He crossed the plains in 1853 with his family. His donation claim taken in 1854 is now a part of the city of Seattle.

Edward Hanford

Duwamish River, which they ascended for a distance of three or four miles, carefully examining the land along its shores as they went.

Van Asselt was pleased with it, as John C. Holgate had been when he explored it alone a year earlier, and then wrote to Edward Hanford's family in Iowa that he had found a place that would admirably suit them and him for a future home. All the party were pleased with it, in fact, and Van Asselt and Maple determined to make their claims there. Collins also determined to locate there if he could dispose of his place on the Nisqually, and this he arranged to do, on the way home, selling it to Balland for $510. He then took for his claim the very ground which Holgate had selected for himself and his sister's family, the Hanfords, though when he saw it he did not know that the donation act had become a law, and there was no land office then established at which he could make application for it, or take other measures to secure it. It is the ground on which Georgetown, the principal suburb of Seattle, now stands. The two Maples took the claims next adjoining above this, and Van Asselt's adjoined theirs again on the south. Thornton and Hendricks did not take claims at this place; the former subsequently settled at Port Townsend, while the latter returned to Iowa.

The peculiar formation of this valley, in which these first arrivals had now determined to make their homes, deserves a mention here. It lies parallel with the Sound, is something more than thirty miles long, and with a sharp bend toward the west near its southern end, extends from the head of Elliot Bay at Seattle to the head of Commencement Bay at Tacoma, and is from two to five miles wide. Well toward its southern end White River enters it from the

east, flows northward until it unites with the Black, and is then called the Duwamish until it falls into the Sound. The Puyallup flows through its southern end into Commencement Bay. The Puyallup and the White rivers are united by a channel called the Stuck, some six or eight miles in length, through which the waters of both rivers, in ages past, have flowed sometimes in one direction and sometimes in the other, giving to each river upon occasion two outlets.

This valley was evidently once a part of the Sound, and the highland west of it was an island, like Vashon, which lies near it. The valley has been filled up in the slow process of ages by the detritus which these rivers have brought down from the mountains and uplands, and its soil is as deep as the waters were that once filled the space it now occupies.*

Having chosen their claims the party now returned to Nisqually. They owned together some twenty head of horses and cattle, and they built a scow for the purpose of transferring them and their household effects down the Sound to their new home. They were unable to make it serve for their animals, however, and were forced to drive them along the beach at low tide, a rather tedious process. But it was accomplished in time, the scow with the lares and penates

* Prophecy is no part of history, and yet, realizing that this is the age of steam, electricity and the automobile; that there is no longer any reason why the people of modern cities should live on twenty-five-, fifty- or hundred-foot lots; that there are now more than 90,000,000 people in the United States; that the amount of this level valley land approaching the Sound, and giving convenient access for railroads to its harbors, is extremely limited, I venture to leave here this record of my conviction, that there are people now living who will yet see the whole of this valley, unmarked by the foot of white man as it was only fifty-six years ago, entirely occupied by the activities of commerce, and the highland to the west of it, and much of that on its eastern side, covered with the uncrowded homes of a contented and prosperous people.

of the several families following, as far as the tide flats in what is now Seattle Harbor. Here it was necessary to take the animals on board, and with care they were conveyed up the river to a place where they could be safely landed, and thence driven to their new home.

In all this labor Van Asselt and Samuel Maple had been able to render but comparatively little assistance, for the latter had cut his foot with an ax after reaching Nisqually, and the former had been painfully wounded by the accidental discharge of a shotgun, loaded with buckshot, while crossing the Columbia. Several of the leaden pellets had entered his arm and shoulder, and as there was no surgeon at hand they were perforce suffered to remain there. Although he was thus forced to make all his explorations while carrying one arm in a sling, the circumstance was not without its advantages, for the Indians in his neighborhood forever afterwards looked upon him as bearing a charmed life, it being a theory among them that anyone who had lead in his flesh could not be killed. This theory he took occasion to encourage and strengthen upon occasion by shooting birds on the wing in their presence, and giving other exhibitions of his skill with a shotgun, with the use of which for bird shooting they were not much acquainted, having been accustomed only to their rifles, and when they became troublesome in later years he was usually able to go among them with safety.

These four earliest settlers on the east side of the Sound were not long without neighbors. George Holt arrived soon after and took his claim December 13th, while E. A. Clark and John Harvey arrived in April following.*

* Those who took donation claims on the Duwamish after Collins, Van Asselt and the Maples, arrived in the following order apparently:

During their first winter they were obliged to go to Steilacoom for their supplies, and, if they did not find what they required in Balch's store at that place, they went on to Olympia. There were no roads except along the beach, and none there except when the tide was out. The only means of travel was by canoe, and this required a journey of from four days to three weeks, according to which place was visited, and the condition of the weather meantime. No matter what these conditions were, the travelers were obliged to sleep out of doors and do their own cooking during the journey. Sometimes even when the weather was not very stormy, the wind would sweep around some projecting point so strongly that they would not be able to pass it for some days together, during which they would be compelled to remain in their camp and make themselves as comfortable as they might.

George Holt, Dec. 13, 1851.
E. A. Clark, Apr. 10, 1852.
John Harvey, Apr. 10, 1852.
August Hograve, Sept. 24, 1852.
John C. Holgate, Jan. 21, 1853.
Timothy Grow, Feb. 25, 1853.
William Heebner, July 10, 1853.
Ruben Bean, Jan. 20, 1854.
L. J. Holgate, Mar. 26, 1855.
John J. Moss, June 1, 1855.
Edward Hanford, Mar. 1, 1855.

The following took claims further up in White River Valley:

John Buckley, Feb. 10, 1852.
Joseph Foster, June 1, 1853.
W. H. Gilliam, June 1, 1853.
Stephen Foster, Oct. 1, 1853.
H. H. Jones, Oct. 13, 1853.
H. H. Tobin, Nov. 24, 1853.
C. C. Lewis, Dec. 12, 1853.
C. C. Thompson, Jan. 15, 1853.
B. L. John, Apr. 20, 1854.
J. M. Thomas, July 17, 1854.
S. W. Russel, Sept. 7, 1854.
M. Kirkland, Oct. 5, 1854.
D. A. Neely, Nov. 15, 1854.
H. Meters, Dec. 15, 1854.
H. Meader, Dec. 25, 1854.
J. A. Lake, Mar. 30, 1855.

Charles E. Brownell and a Dr. Bigelow took claims on Black River, but did not perfect their title to them. Seymour Hanford, Eli B. Maple and Francis McNatt also took claims and afterwards abandoned them.

Only a few days after Collins and Van Asselt had made their selections and determined to make their homes permanently in the Duwamish Valley, another party arrived in the neighborhood. Their purpose was not to find farms but to found a city. Although the site they first chose for the purpose was not as favorably located as they thought, they and other members of the party of which they were the advance guard, soon afterwards selected the site, founded and named the present city of Seattle.

This advance party was composed of David T. Denny, John N. Low, Lee Terry and Captain Robert C. Fay. The two first named had arrived in Portland only a few days earlier, in company with John Denny, who was David T. Denny's father, Arthur A. Denny, his brother, C. D. Boren and W. N. Bell and their families, all of whom had crossed the plains together during the summer, or became acquainted on the journey.

John Denny was a native of Kentucky, but had lived in Indiana and Illinois. He had been a member of the legislature in the latter State, where he had known Abraham Lincoln, and been one of his staunch supporters and admirers. Low was a native of Ohio, and Terry of New York. All or nearly all of this party had started west with the expectation of settling in the Willamette Valley, but somewhere on the Umatilla they had met a man named Brock, who had been in the Sound country, and who spoke of its beauties and advantages so enthusiastically that some of them determined to examine it before settling elsewhere.

From the Dalles the party sent their wagons over the mountains by the Barlow Road, while their goods and their families were sent down to the Cascades by boat, and around those rapids by Judge Chenoweth's tramway, then hardly

completed, and thence to Portland by the brig Henry. This part of the journey occupied ten days, and was so trying that some of them were made sick by it, and were obliged to remain in Portland for a time to rest and recuperate.

But Low and the younger Denny, who was then unmarried, set out at once for the Sound country, partly to explore it, and partly because Low wished to find a place where his cattle might obtain pasturage during the winter, and he had been told that he would most likely find this at Judge Ford's place on the Chehalis. From Ford's they went on to Olympia, where they met Terry and Fay, with whom they continued their explorations down the Sound.

Having examined the eastern shore as far as Elliot Bay, ascended the Duwamish and visited the new settlers in that locality, they returned to Alki Point, the low-lying situation of which, contrasting strongly with the abrupt shores which everywhere else along their way presented themselves, had attracted their attention. Upon further examination, Terry and Low decided that this would be a favorable spot to locate a city, and they accordingly disembarked such goods as they had brought with them, and began to make arrangements to remain permanently. Some trees were cut down, and on September 28th the first logs were laid together for the foundation of a house. Having high hopes of the future of their city they determined, at Terry's suggestion, to call it New York.

Leaving Denny in charge to make such progress as he could with the work of preparing shelter for the other members of the party, Low returned to Portland, to make report of what had been done, and encourage as many as possible of his recent companions to return with him. He found most of them quite willing to go, and, the health of those who

had been sick being now restored, preparations were begun for an early departure. It happened that the schooner Exact, Captain Folger, was then about ready to sail for Queen Charlotte's Island with a party of goldhunters—it having been recently reported that gold had been found there in tempting quantity—and as Low had not found the passage up the Cowlitz and across the country to Tumwater an easy one, it was determined to go by sea. There was still room on the Exact, among the goldhunters, and their passage having been arranged for with Captain Folger, their goods were taken on board, and on November 5th they sailed down the Willamette and out into the broad Columbia. On the 7th they were at Astoria, and passed out over the bar that evening. As the weather was favorable, the voyage was made without any notable incident, and on the 13th they reached their destination and landed their goods at low tide. The weather was rainy and the women assisted at this work for a time. Then, as Mr. Bell says, in an all too brief account of that memorable landing, they "sat down and cried." Whether their tears were tears of sorrow or satisfaction, who shall say?

The party that had come by the Exact was composed of Arthur A. Denny and family, Carson D. Boren and family, John N. Low and family, William N. Bell and family, and Charles C. Terry. With Lee Terry and David T. Denny, who had remained at the point when Low returned to Portland, and had continued work on the cabin which they had started to build before he left, they were just twenty-four persons in all. Other settlers came up with them on board the ship but none of them stopped off here. Daniel R. Bigelow, afterwards famous among the early lawyers, went on to Olympia, James M. Hughes settled at Steilacoom,

H. H. Pinto and family went on to the Cowlitz, and John Alexander and family and Alfred Millen took claims on Whidby Island.

For a time all the party at Alki Point found shelter, so far as they were sheltered at all, in Low's cabin. Then a log house was built for A. A. Denny. By the time these two were under roof the party had learned, either from their own experience or from the Indians, that the long, straight-grained cedar trees in the vicinity could be easily split into very tolerable boards, and consequently the houses for the Bell and Boren families were made of this material.

We have no very definite information as to how the party procured their provisions during the winter. There were none to be had in the neighborhood except such as could be procured from the Indians, who usually had fish in abundance, and sometimes venison and other game. The nearest point of supply was Steilacoom, which was thirty miles distant, and Fort Nisqually, which was five miles beyond. From the latter place they procured one hundred bushels of potatoes in March, paying a dollar per bushel for them, and they were delivered by Edward Huggins and a crew of Indians, in the big war canoe which Dr. Tolmie had purchased some years earlier from the warlike Haidahs of Alaska.* They probably procured other supplies from the fort, and for the rest subsisted on clams as all the other settlers did.

* Mr. Huggins has left an account of this trip in manuscript. He arrived at Alki in a violent storm, and in landing the canoe was carried far up on the shore by a wave, where it was dashed on the ground with such violence as to split it from one end to the other. It was afterwards supplied with a frame at Bolton's shipyard, at Steilacoom, and did good service as a mailboat for many years afterwards.

During the winter the party supplied the brig Leonesa with a cargo of piles for San Francisco. These were cut near the water for the most part, as they were the first cut in the neighborhood, but it was still so difficult to get them to the ship that Lee Terry was sent to Nisqually for a team of oxen. These he procured and drove along the beach to the settlement, as Collins and Van Asselt had driven theirs.

Low and Terry were anxious enough to have all the members of the party remain permanently at the point, and offered to give them lots to build new houses upon if they would accept them. But they had not come so far to be content with town lots, when the government was offering each family six hundred and forty acres of land of their own choosing. They had made their long journey to secure all that the government offered, and there was as yet no reason why they should take less, for they were among the first who had arrived, and nearly the whole shore of the Sound, as well as much other land, was as yet unclaimed. Doubtless they observed, as the winter passed, that the point was not specially well chosen as a site for a city. It afforded but little shelter for ships, while just beyond it there was an ample bay which would give them abundant protection. Coming as they had from the interior, they were not much acquainted with ships and their needs, but they soon saw, what Low and Terry had not seen apparently, that the sheltered shore inside the harbor was likely to become valuable far earlier than that outside. Possibly the officers of the Leonesa gave them some hints along these lines, and indeed it is something more than likely that they did so. At any rate they sought and found an early opportunity, after the cargo of the ship had been provided, to explore

the land lying along the inner rim of the bay. This they did in February.

They now knew that timber suitable for piling was in demand, and would probably find a ready market for some time to come. After that squared timbers, such as could be made from the larger trees, would be sought for, and in time mills would appear that would cut everything suitable for market. They therefore sought for claims that were well covered with timber, and so near the water that the logs might be got to it and to the ships that would come for them, as easily as possible, for their means of hauling them through the forest were as yet of the most primitive kind. If they thought about selecting a site for a city at this time, it was seemingly not the first object they had in view. The need was too great to secure something that would yield an immediate return.

The first exploring party was composed of A. A. Denny, Boren and Bell. They set out in a small boat, for which Bell and Boren furnished the motive power. As the whole shore of the bay, and of the Sound everywhere, seemed to be about equally well covered with timber, their first care was to investigate the depth of the water, particularly near the shore, and the character of the shore itself. They did not yet know that the most striking characteristic of the Sound is its extreme depth, and that the next is that its shores are very abrupt. Mr. Denny made the soundings as they went along, using for the purpose an old horseshoe, or perhaps two or three of them, fastened to a strong clothes line of considerable length, and yet not long enough, as they soon found to their surprise, to reach bottom in many places. Even close to the shore the water was very deep, and for the most part the bay seemed to be bottomless.

They soon determined that it would be possible to lay a ship close along shore almost anywhere.

They appear to have begun their investigations on the north shore near Smith's Cove. By noon they had coasted along toward the east as far as University Street, and here they went ashore, climbed the steep bank, opened their dinner pails, and made ready their noonday meal. Mr. Denny was pleased with the situation and, then or soon after, determined to make his home on the spot where that first meal was eaten, which he subsequently did.

After lunch the party continued their journey eastward, or southeastward, finding the shore gradually diminishing in height, until at last for a considerable space it broke down to the level of the tide flats. But before reaching the flats they found a small stream with soft, muddy banks, covered with salt, marsh grass, and near it a curious mound thirty or forty feet high. Beyond it and along the shore southward was a rather inviting meadow, the first they had seen, and as it promised to afford pasturage for their cattle, they determined to include it or part of it in one of their claims.

As yet no survey had been made north of the Columbia River, and each settler was therefore entitled to take a claim in any shape he wished. If any part of the shore line pleased him, he might make it the boundary on that side, and then by running lines at any angle he pleased, from either extremity of it, include so much land as he was entitled to take, whether married or single. He was not even required to make his boundaries by regular lines, but might vary them so as to include some particularly choice piece of land, or to exclude a swampy hollow or gravelly hilltop. The members of this party therefore had little difficulty in selecting the land

they would include in their three claims. As they would need the little bit of meadow near the head of the bay as a pasture, they resolved to make it their southern boundary; they would claim a shore line about a mile and a half in length, along the northeast side of the bay, and enough of the hill land back of it in a regular body to make up their three claims. This was a very reasonable selection, for each of them, being married, was entitled to take a whole section, which is a square mile, and each might have claimed a mile of water-front had he so desired. Indeed he might have claimed two or three times that amount had he seen fit to do so, since by making his claim narrow he could have lengthened it in proportion. But these claimants evidently preferred to leave something that would attract other settlers, as neighbors were at that day more desirable than water-front.

It was then arranged that Boren should take the southernmost of the three claims, Denny the middle, which would include the spot where they had eaten their first meal, and on which he desired to build his first home, and Bell should take the northernmost. D. T. Denny was invited to join with them in this selection, the others offering to rearrange their claims so as to accommodate him, but as he was still unmarried he was in no hurry to make his choice, and did not avail himself of their generosity. Later he took a claim north of Bell's.

For the next few weeks the party employed themselves in getting their cattle across the country from Oregon, where they had been left for the winter. In this they were again aided by the Exact, which returned about this time with her party of disappointed prospectors, who had found no gold at Queen Charlotte's Island. She took Boren and D. T.

Denny as far as Olympia, whence they made their way over the old Cowlitz trail to Portland, and in due time returned with their stock.

On the last day of March the little colony at the point received its first reinforcement. They had been visited in the preceding November by Hastings and Pettygrove, who were on their way down Sound, but now they had a visitor who was to remain and help them to found a city. This was Dr. D. S. Maynard, a Vermonter by birth, who had come to Oregon in 1850, and had just spent a winter in Olympia, where he had acquired such information as he could in regard to the possibilities of the salmon industry, and was now seeking a location where he might make an an attempt to get it successfully started. He was a man of education and some business experience, and also possessed of a temper of his own, as we shall see later, for the plat of Seattle bears permanent evidence of it. In his search for information about the salmon, the doctor had fallen in with an Indian chief of one of the Nisqually tribes, named Seattle, or Sealth, as the Indians seemed to pronounce it, who had been very helpful to him, and who had now accompanied him to this bay, on the shores of which his own band, known as the Duwamish, made their abiding place during a considerable part of each year. He had assured the doctor that salmon were generally abundant here, and had also promised that he and his people would catch as many for him as he might wish. How much he knew of Wyeth's failure to start this business, or of the success with which the Hudson's Bay people had long carried it on at Fort Langley, on the Fraser, is not now known.

He found no place on the shore of the bay so well suited to his wishes as that on the southern side of the tract which

Denny, Boren and Bell selected, and which had been already assigned to Boren, but it was so desirable to get this, the first industry offering, located in the neighborhood, that the three readily agreed to rearrange their claims so as to give Maynard what he wanted, and this was accordingly done, although the doctor at first thought it unnecessary, as he only wanted ground enough for his fishing station.

On April 3d, most of the party removed from the first temporary houses they had built for themselves at Alki Point, to their own claims, now covered by the city of Seattle. They had built no houses or even cabins as yet, and so for a considerable time lived in camp, as they had done while crossing the plains. Boren fixed his camp on the southerly part of the townsite and Bell on the northern part. Mr. Denny did not remove to his claim until some days later, being still troubled with his old-time enemy, the ague, which indeed still afflicted several other members of the party.* Before he was ready to move over, the other members of the party had built a hut for him on the site he had selected. But here he found difficulty in getting water. He dug a well in a neighboring gulch, to a depth of more than forty feet, but found a quicksand bottom which discouraged him, and finally he chose another site near what is now First Avenue and Marion Street, and here he built his first home. A satisfactory supply of fresh water was secured here and

* The Oregon Historical Society has received more than fifteen thousand replies to a circular letter sent out to the families of the earlier settlers in Oregon and Washington, for the purpose of collecting information as to their number, date of emigration, etc. One of the inquiries made in this circular is for the reasons prompting them to come so far, and to this a large majority have replied that one chief reason was they hoped to escape the ague, which was then very prevalent in most parts of the old West.

access to the Sound was also more convenient. This, at that time, was a very desirable consideration.

The settlers spent their first summer in Seattle in building their homes, and making such improvements on their claims as were most necessary. They were visited meantime by two vessels, the brigs Franklin Adams and John Davis, both of which had come to the Sound for piles. From these ships they procured some of the supplies they were in need of, and it was a great convenience to be thus provided for. In the succeeding winter so few ships came that there was almost a famine in the land, and for a time all were very much concerned about their food supply. Pork and butter came around Cape Horn, flour from Chile and sugar from China, and the supply in the country was not large. "That fall," says Mr. Denny,* "I paid $90 for two barrels of pork and $20 for a barrel of flour. I left one barrel of the pork on the beach, in front of my cabin, as I supposed above high tide, until it was needed. Just about the time to roll it up and open it, there came a high tide and heavy wind at night, and like the house that was built upon the sand, it fell, or anyway it disappeared. It was the last barrel of pork in King County, and the loss of it was felt by the whole community to be a very serious matter."

There is no promise that pork cast upon the waters will ever return, and this particular barrel of it never did, and was never again heard from. Whether it sank in deep water, or floated away, or whether possibly the Indians may have found it after many days, and towed it to some distant camp and there made merry over it, no white man ever knew. Possibly it is still somewhere at the bottom of the Sound, preserved by the abundance of brine which surrounds it,

* "Pioneer Days on Puget Sound."

and like old wine improving with age. Possibly it is still afloat somewhere on the broad Pacific, driven hither and thither by the ceaseless action of the winds and tides, and vainly endeavoring to find an owner and get to port, after more than fifty years of wandering. Who shall say? So far as Mr. Denny and those who have succeeded him are concerned, it was but is not, and most likely never again will be.

The loss of this barrel of pork was so severely felt by the little community that all its members turned out at extreme low tide, which at that season occurs at night, and searched the shore by torchlight as far as Smith's Cove, without finding it. Then their other provisions seemingly failed more rapidly than before. Their flour and hard bread soon gave out, "but fortunately," Mr. Denny says, "we had a good supply of sugar, syrup, tea and coffee, and with fish and venison we got along quite well, while we had potatoes, but finally they gave out. We then had to make a canoe voyage to the Indian settlement on Black River, to get a fresh stock of potatoes. Flour sold as high as $40 a barrel, but finally the stock was exhausted so that it could not be had on the Sound, at any price, until the arrival of a vessel, which did not occur for six weeks or more. This was the hardest experience our people ever had, but it demonstrated the fact that some substantial life-supporting food can always be obtained on Puget Sound, though it is hard for a civilized man to live without bread."

Just as this hard winter was beginning—in October 1852—Henry Yesler arrived. He was a native of Maryland, though after becoming of age he went to Ohio, where he remained for several years, and in 1851, accompanied by his family, crossed the plains to Oregon. After working for a time at

his trade as a carpenter and millwright he went to California, where for a short time he engaged in mining. There he learned something of the attractions of the Puget Sound country, and perceiving that California would, for a long time to come, furnish an excellent market for the timber that the Sound could so abundantly supply, he returned north to build a mill and engage in the lumber trade. The little colony on Elliot Bay quickly saw the value to them of what he was proposing to do, if he should locate his mill in their neighborhood. It would make a market for the timber of which they had an abundance, and also furnish them constant employment in cutting it.

The ground along the little stream, which entered the Sound near the curious mound that stood almost on the line between Boren and Maynard's claims, was well suited for a saw mill site, and as Mr. Yesler was pleased with it, a rearrangement of claims was made, so as to give him as much waterfront as he desired, and a long strip of ground about five hundred feet wide, stretching back over the hill into the unclaimed lands, where as much more might be added as would complete his claim, was set off to him. Thus by taking only a small strip from Boren and Maynard's claims, which they were at liberty to make up from the unclaimed lands on the east and south, if they so desired, Yesler was provided for.

On the ground thus assigned the first steam saw mill in Washington was soon after built. Either at the beginning, or soon afterwards, its capacity was 15,000 feet per day. Indian laborers were employed for the most part during the earlier years, in and about it, and Mr. Yesler managed these people so successfully as to be able to keep about him all the laborers he required, and to so far win the confidence

and esteem of their tribesmen, that he was able to go among them without much risk to himself during the troublous times that soon after followed, and he was very useful to Governor Stevens, for this reason, in the negotiations at the close of the Indian war.

Near the mill was a cookhouse that became famous in the early days, and is still remembered by many old settlers who took their meals there in early days. Every wayfaring man got a meal there as he passed, if he required it, and sometimes he lodged in or near it. Officers and men from such ships as visited the harbor were often seen there. Occasionally the officers from some war ship, or from the fort at Steilacoom visited it. Around its broad fireplace many stories of adventure by land and sea were told. For several years it was the one place on the Sound where news from the world was surest to be obtained. At the outbreak of the Indian war the volunteers made it their rendezvous. Judge Lander had his office in one corner of it, and the county auditor also had his office there. It served, as Mr. Yesler has said, "for townhall, courthouse, jail, military headquarters, storehouse, hotel and church. Elections, social parties and religious services were held under its roof. The first sermon preached in King County was delivered there by Clark, and the first suit at law, which was the case of the mate of the Franklin Adams for selling the ship's stores on his own account, was tried there before Justice Maynard." Many people, not only in Seattle, but in other parts of the territory, were sorry when it was torn down, in 1865, to make room for a larger building.

Boren, Denny and Maynard agreed together early in 1853 to lay out a townsite on their claims, but they apparently did not agree in all respects as to the details of the plat.

They did agree, however, to file their plats for record at the same time. Mr. Denny, who was a surveyor, thought the principal streets should run, as nearly as possible, parallel with the shore of the Sound, and the cross streets straight up the hill; Maynard made his plat with the streets running due north and south and east and west. Both used the boundary between Boren and Maynard's claims as a base line, and along it laid out a street which was known for many years as Mill Street, but is now Yesler Way. North of this line Mr. Denny laid out twelve blocks, of eight lots each 60 x 120 feet, with an alley sixteen feet wide between them. There were three streets, Front, Second and Third, running parallel with the shore line, and five cross streets, James, Cherry, Columbia, Marion and Madison. The first block north of Yesler Way was triangular and was bounded by Yesler Way, James and Second streets. This plat was filed some time in the forenoon of May 23, 1853.

There is a tradition that Maynard was displeased, for some reason, with Denny's action, and that he changed his plat, which covered only a few squares south of Yesler Way, so that the streets would not be continuous. At any rate they do not meet with those on the north side of Yesler Way, as everybody familiar with the city knows. His plat was filed on the same day as Mr. Denny's, but later in the afternoon.

After the fire the name of Front Street was changed to First Avenue, and a right of way was purchased, or condemned, through enough of the Denny plat to unite it with the principal street in Maynard's plat, and so make a continuous thoroughfare. The remainder of the block was dedicated to the public as Pioneer Square. It is a curious fact that the land on the west side of First Avenue, opposite

this little park, and for some distance northward, has never been platted. It is now very valuable and is owned by many different people, being described in their several deeds by metes and bounds.

The name of the new city was not chosen without some difficulty. None of the party seem to have wished to adopt the name of some other city, as Terry had done for his town at Alki Point. All apparently preferred an Indian name, if a suitable one could be discovered, and Mr. Denny was at some pains to inquire about these, and to know their meaning. But none of those which the Indians had given to places in the neighborhood were sufficiently pronounceable, or otherwise suitable. They were, for the most part, such combinations of sounds as Mulkmuckum, Smoquamps, Mechalalitch, Dewampsh or Suquampsh, and he was surprised to find that none of these, or any other of the Indian names had any meaning. Even their individual names meant nothing, as most names among the eastern tribes do. Mr. Denny did not believe this for a long time, and persisted in his inquiries. He found great difficulty in making the Indians understand what he wished to know, so strange did it appear to them that a name should have a meaning, and after a long explanation in each case he would invariably receive the same reply: "Ah, Cultus!"—Meaning no good.*

* Mr. James G. Swan, in his "Three Years in the Northwest," has noticed this same peculiarity about the Indian names in the neighborhood of Shoalwater Bay. In later years he found a few names among the Makahs at Neah Bay, and some among the Clallams, that seemed to have a meaning. In his address to the pioneers in 1887 he mentions the name of a Makah chief, Kobetsibis, which he says means frost. He also says: "Mount Rainier is also sometimes called by its Indian name, Tahoma, meaning white, or snow mountain. Mount Baker is called by the Clallams P'Kowits, from Puk'h (white) and h'Kowitz (mountain)." Rev.

CHIEF SEATTLE.

The Indian for whom the city of Seattle was named. He was chief of the Duwamish band; one of the little tribes of the Nisqually family of Indians, which inhabited the whole coast of the Sound from the Skokomish River at the head of Hood's Canal, to and beyond the Skagit. The engraving is from a photograph in the possession of Clarence B. Bagley.

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In his address to the pioneers in 1887 he mentions the name of Mt. Kobetsibis, which he says means frost. He also says that Rainier is also sometimes called by its Indian name, Tahoma, [illegible] from Puk'h (white) and h'Kowitz (mountain).

Failing to find any Indian name for a place that was suitable, Mr. Denny and his associates bethought them of the old chief who had guided Dr. Maynard from Olympia to their neighborhood, and so in reality brought the first recruit to their little colony. His name was a novel one, and sufficiently striking for their purpose. Cities in various States had been named for Pontiac and Tecumpseh and Blackhawk and Osceola. Why not name one for Seattle? There seemed to be no good reason except that the old fellow himself objected. There was a superstition among the coast Indians that the names of the dead ought not to be mentioned; it would make serious trouble for their spirits, in the undiscovered country to which all must sooner or later go, and from which none would ever return. Their ideas of this country were not very clear, nor were their expectations in regard to it very comforting, and they were particularly anxious therefore to avoid all things which their traditions told them would be likely to make matters worse than they might be. But in course of time his anxieties were allayed, and before his death he become very proud of the distinction he had thus acquired, and his conduct was such that the settlers had no reason to regret their choice.

So was the city founded and named. Like the early Dutch settlers who founded New York they had made their first location in an unfavorable place, but once started, their

Myron Eells has also left a short list of names that seem to have a meaning, though most of them are merely descriptive. During the the seven years that I was engaged in selling the lands of the Puyallups, under the act of Congress of March 3, 1893, I frequently inquired of the Indians whether some name, which I had just heard for the first time, had a meaning. They would invariably look at me in evident astonishment and make no reply. I would then have the interpreter explain to them what it was that I wished to know, and after some conversation the reply would invariably be returned: "It is just a name." C.A.S.

city grew and prospered. The Terry brothers continued their efforts for some time to build up a rival city at Alki Point. C. C. Terry started a store there which he advertised, liberally for that day, in the "Columbian," after it began to be published at Olympia in September 1852, and the paper for a long time kept his name standing among those who were authorized to receive subscriptions for it. Smith's express, carried by the clipper yacht Laplete, which made "weekly trips between Olympia and Port Townsend, stopping at Poe's Point, Johnson's ranch, Nisqually, Steilacoom, New York, Whidby Island and all intermediate points," received packages there, and did not apparently go to Seattle at all.*

In due time Terry laid off two rows of six blocks each, on the northwest side of the point, with two principal streets parallel with the shore, and duly filed it for record. Like all other plats made at the time, and for long afterwards, the street nearest the shore was run so close to the water line that the outer row of lots were for the most part covered by water at high tide. A study of this and other plats made in these early times give the impression that those who made them regarded the amount of dry land on the earth's surface as so limited that their duty was to reclaim as much as possible from the sea, and allow as little of the remainder for street uses as conscience would permit. Their stinginess in this respect, their carelessness and stinginess combined in attending to street connections, in platting additions and extensions in growing towns and cities, have cost those who have followed them a vast deal of money to correct their work.

* The first mention of Seattle in the "Columbian" is in its fifth number, published on October 9th, 1852, in which Dr. Maynard advertises for a blacksmith to locate there.

Neither Low nor the Terrys ever perfected title to their claim. C. C. Terry made a filing on it in the land office, in May 1852, but never took out a patent for it nor for any other claim under the donation act. In time he joined his old associates across the bay, and became as active as they were in building up the settlement which they had started.

Bell did not join with Denny, Boren, Yesler and Maynard in making the first plat of the town, but in time made one of his own, which was for a long time known as Belltown, and is sometimes so mentioned at the present day, though it was never so named. D. T. Denny took his claim beyond Bell's, and in 1852 Dr. H. A. Smith arrived and took a claim still further down the bay. It included the indenture of the shore line afterwards known as Smith's Cove.

Early in 1853 Thomas Mercer and Dexter Horton arrived, and later John C. Holgate returned to find that the claims he had selected three years earlier, for himself and his sister's family, had been taken by others. He accordingly made a new choice, taking the claim next south of Maynard's while Edward Hanford, his brother-in-law, and Lemuel J. Holgate, his brother, and Seymour Hanford selected claims adjoining this, getting hill land which became a part of Seattle much earlier than the farms he had hoped to get in the Duwamish Valley.

Mercer brought the first wagon to Elliot Bay. When it arrived there was not a piece of road in King County long enough to receive it, but road-making began soon after its arrival, and for a considerable time it was used to do all the hauling done on the bay. Mercer was a native of Ohio, but had removed thence to Illinois, from which State he came to Oregon. On the journey his wife died, leaving him with a family of motherless children, the oldest of whom

was a girl of thirteen, who, after their arrival, kept house for her father and so kept the family together. Mercer selected a claim on the shore of Lake Union, a part of which subsequently came to be known as Queen Ann Hill, because of the style of architecture of one or two of the first houses built there. A part of this claim was contested on the ground that Mercer was a single man, and rather than fight for the whole, he resolved to content himself with that part of it which fronted on the lake. A part of this was subsequently claimed by the State as shore lands, which still further reduced its area.

Dexter Horton was a native of New York, from which State his family early removed to Illinois. He came to Oregon in 1852 with his wife and one daughter, and thence over the Cowlitz trail with Mercer and others to Seattle, where he arrived without a dollar in his pocket, and fifty dollars in debt. He soon found work at the new saw mills then building on the Sound, and in clearing land at Port Townsend. He quickly paid what he owed and accumulated a little capital with which he, for a time, engaged in trade, and then started a bank, the first in the territory, and which still exists as Dexter Horton & Co., the name he gave it. He seems never to have taken a donation claim.*

* Those who took donation claims on the site of, or in the neighborhood of, Seattle were the following:

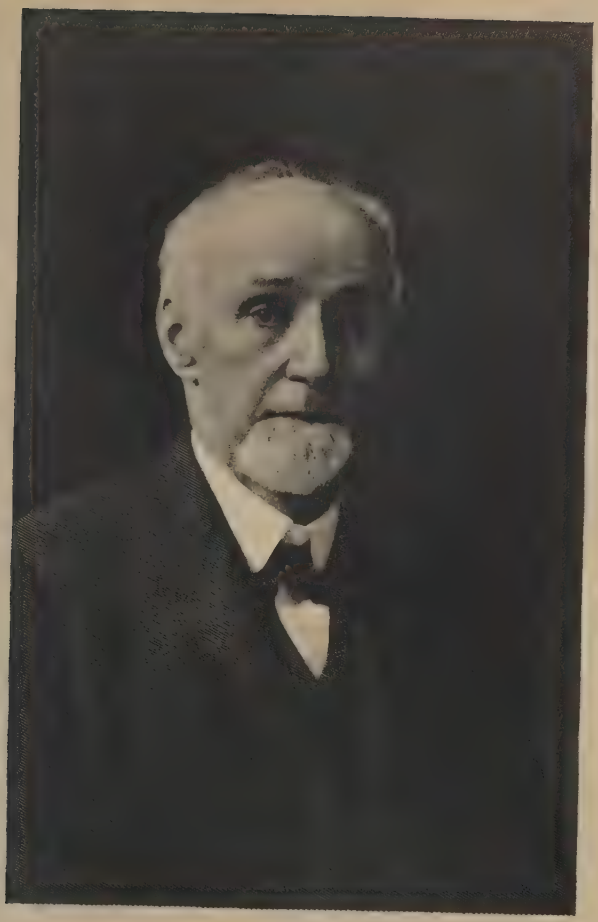
W. N. Bell, April 3, 1852.	D. S. Maynard, April 3, 1852.
C. C. Terry, May 1, 1852.	C. D. Boren, May 13, 1852.
A. A. Denny, June 12, 1852.	H. L. Yesler, Nov. 20, 1852.
John C. Holgate, Jan. 21, 1850.	D. T. Denny, January 24, 1853.
Edmund Carr, August 8, 1853.	H. A. Smith, September 5, 1853.
E. M. Smithers, December 1, 1853.	Wm. Strickler, February 1, 1854.
Edward Hanford, March 1, 1854.	Thos. Mercer, July 13, 1854.
L. J. Holgate, March 26, 1855.	Jno. Ross, March 26, 1855.
David Stanley, April 15, 1855.	Ira W. Utter, July 3, 1855.
John H. Nahle, September 29, 1855.	

DEXTER HORTON.

Founder of the first bank in the territory of Washington. He was born in Schuyler County, New York, in 1825; crossed the plains in 1852; settled in Seattle in 1853, where he began business by chopping piles at $2.50 per day. Later he became interested in merchandising and finally established the bank, which still bears his name.

among the first settlers of Seattle were the following:

[illegible] N. Bell, April 3, 1852.	D. S. Maynard, April 3, 1852.
[illegible] Terry, May 1, 1852.	C. D. Boren, May 13, 1852.
A. A. Denny, June 12, 1852.	H. L. Yesler, Nov. 20, 1852.
John C. Holgate, Jan. 21, 1850.	D. T. Denny, January 24, [illegible]
Edmund Carr, August 8, 1853.	H. A. Smith, September 5, 1853.
[illegible] M. Smithers, December 1, 1853.	Wm. Strickler, February [illegible]
Edward Hanford, March 1, 1854.	Thos. Mercer, July 13, 1854.
L. J. Holgate, March 26, 1855.	Jno. Ross, March 26, 1855.
David Stanley, April 15, 1855.	Ira W. Utter, July 3, [illegible]
John H. Nahle, September 29, 1855.	



Dexter Horton

Some time in 1852 Captain William Pattle, while looking for suitable timber that could be got to the water easily, to fill a contract he had made with the Hudson's Bay Company at Victoria, found a seam of coal showing on the beach in Bellingham Bay.* He was accompanied by two men named Morrison and Thomas, and all three at once located donation claims along the beach, marking them and posting notices in the usual form. Pattle took the northernmost of the three, which fronted the town of Sehome of later days. Something like a hundred and fifty tons of coal were subsequently taken from these claims, and then the mine was abandoned, coal of a better quality being discovered on ground further north, by Henry Hewitt and William Brown, who had come to the bay with Henry Roeder and R. V. Peabody, and others, in the schooner William Allen. Roeder and Peabody had been in California, which they had left to try salmon fishing at Oregon City. At the latter place they learned of the prospects of the lumber business on the Sound, and crossed over to investigate it. In California Roeder had met Edmond Eldridge, who had come out in 1849, to the mines, but had not been as successful as he had hoped. He had married and was thinking of going to Australia when Roeder persuaded him to try Oregon. William Utter and H. C. Page were also of the party, and they found the prospect so inviting that they agreed to form a milling company. At Port Townsend they met Pattle, who advised them to examine the shore of Bellingham Bay for a mill

William P. Smith, Osmyn Frost, John J. Moss, Charles Plummer and Walker probably arrived in time to secure claims if they had desired them, but like many others they did not take them.

* This may have been the coal that the British war ship Cormorant went from Fort Nisqually to examine in 1846, and probably was, since it is so near the water.

site. This they did, and with the aid of another man named Brown, a millwright, whose acquaintance they had made in Olympia, they built a mill, which they soon had in operation. During that season, or soon after, they were joined by C. E. Roberts, J. W. Lyle and one or two others. They adopted the Indian name Whatcom as the name of their settlement.*

It was while getting out logs for the mill in the summer in 1853, on land that Roeder and Peabody had once selected for their claims, but subsequently abandoned for another piece that had better timber on it, that Hewitt and Brown made their coal discovery. A tall fir tree, which stood immediately over the vein, had been blown down, and its roots had torn up the earth so as to expose the coal. They subsequently sold the claim to the Bellingham Bay Coal Company, of San Francisco, for $18,000.

As early as March 1852, B. J. Madison, an Indian trader, had chosen a claim on the south shore of de Fuca's Strait near New Dungeness. Soon afterwards he was joined by General Daniel F. Brownfield, who had stopped for a time on the Cowlitz, and been elected a representative from Lewis County in the Oregon legislature. Later Thomas Abernethy, J. J. Barrows, J. C. Brown, J. W. Donnell,

* Those who took donation claims in this neighborhood were the following, some of whom arrived much earlier than the dates given would seem to indicate:

R. V. Peabody, Dec. 16, 1852.
W. R. Pattels, April 18, 1853.
Ellis Barnes, June 13, 1853.
A. M. Poe, Sept. 17, 1853.
E. C. Fitz Hugh, Feb. 23, 1854.
H. C. Page, June 1, 1854.
C. E. Roberts, July 10, 1854.
William Utter, Oct. 1, 1854.
James Morrison, Feb. 1, 1853.
J. B. Hedge, June 1, 1853.
Henry Roeder, June 14, 1853.
C. C. Vail, Nov. 27, 1853.
D. J. Harris, May 28, 1854.
Edmond Eldridge, June 21, 1854.
M. O'Connor, Sept. 1, 1854.
J. W. Lyle, Dec. 13, 1854.

CAPTAIN HENRY ROEDER.

This pioneer settler on Bellingham Bay was born in Germany, July 4, 1824. His father was a soldier in Napoleon's army and fought at Waterloo. He arrived in Whatcom County, December 14, 1852, and took a donation claim, which is now a part of the site of Bellingham.

settlement.*

Company, of San Francisco, for $18,000.

and been elected a representative from in the Oregon legislature. Later Thomas J. J. Barrows, J. C. Brown, J. W. Donnell,

...ons took donation claims in the neighborhood were the

...Peabody, Dec. 16, 1852.
...Bartels, April 18, 1853.
...Bates, June 13, 1853.
...M. ...Sept. 17, 1853.
...C. ...ough, Feb. 23, 1854.
H. C. Page, June 1, 1854.
C. E. Roberts, July 10, 1854.
William Utter, Oct. 1, 1854.
James Morrison, Feb. 1, 1853.
J. B. Hedge, June 1, 1853.
Henry Roeder, June 14, ...
C. C. Vail, Nov. 27, 1853.
D. J. Harris, May 28, 1854.
Edmond Eldridge, June 21, 1854.
M. O'Connor, Sept. 1, 1854.
J. W. Lyle, Dec. 13, 1854.

C. M. Bradshaw, G. H. Gerish, Samuel L. Jurwin and Hoseah Lowrey arrived, and took claims in the neighborhood, while John E. Burns settled somewhat farther south at the head of Port Discovery. All these except Brown and Bradshaw made their filings before the end of 1853.

A considerable number of those who came with the first trains up the Yakima River and over the new road which the settlers were making through the Nachess Pass, settled in the Puyallup Valley, after they had first examined the prairie in the neighborhood of Steilacoom and Fort Nisqually. Among these earliest settlers were Willis Boatman, John Carson, George Haywood, Isaac Lemon, A. S. Perham, Abiel Morrison, James Williamson, A. H. and Isaac Woolery, Wm. M. Kincaid, and their families, while Michael Connell and A. S. Porter took claims further east on what were afterwards famous as Connell's and Porter's prairies.

There were not many other new settlements started while Washington remained a part of Oregon. Charles F. White and P. Charles had taken claims on Boisfort Prairie, in September 1852, and John Hogue, William Murphy, S. W. Buchanan, Thompson W. Newland and H. R. Stillman settled in the same neighborhood during the following year.

Corydon F. Porter and J. L. Scammon were on the Chehalis, near where Montesano now is, and C. W. Stuart on the north shore of Gray's Harbor near the townsite of Hoquiam.

Farther south along the Willapa, and on or near the north shore of Shoalwater Bay, there was a considerable settlement, rivaling that at the southern end and along the Columbia. John Vail had settled on the river in 1852, and James G. Swan had taken a claim near him only a few months

later, although he had been a resident in the neighborhood for nearly a year before his claim was taken.*

Most of the settlers arriving during these years chose claims on the Columbia, along the Cowlitz or in the neighborhood of Olympia and Fort Nisqually, where those who had preceded them had decided to make their homes, and were already beginning to regard themselves as old settlers. The north bank of the Columbia, from Washougal, where the Simmons party had spent their first winter, to and beyond the mouth of the Lewis River, was beginning to be fairly well peopled, though the settlements at no place extended very far back from the river. Both banks of the Cowlitz for a distance of ten miles north of the Columbia were fairly well taken up, and on the western side claims had been taken six or seven miles from the river. Still farther north John R. Jackson, the original settler, now had several neighbors, and there was another colony in the neighborhood of Warbassport, where most of the new arrivals landed from the batteaux and canoes by which they had come up from the Columbia, put their wagons together, reloaded them with their goods and families, yoked up their oxen once more and took the trail through the woods to the Sound. Some of these found places that suited them near the hospitable homes of Judge Ford and Joseph Borst on the Chehalis, or of that of George Wanch on the Skookum

* The other claims in this neighborhood were taken in the following order:

J. H. Whitcom, January 1853.
J. L. Brown, April 1853.
Mark W. Bullard, April 1853.
Almaran Smith, May 1853.
Hiram Paulding, Sept. 1853.
Charles Brady, October 1853.
J. Bullard, March 1853.
J. R. Johnson, April 1853.
V. Riddell, May 1853.
G. W. Wilson, May 1853.
A. S. Laavitt, October 1853.
W. H. Cushing, January 1854.

LAFAYETTE BALCH.

This enterprising merchant, town-builder, mill-owner and mariner, came to the coast from Maine in 1850, and founded the town of Steilacoom. He was one of the most enterprising men in the territory during his time, and was as active in public as in private [illegible] a member of [illegible] legislature. He died in San Francisco, in 1862.

order

J. H. Whitcom, January 1853.
J. L. Brown, April 1853.
Mark W. Bullard, April 1853.
Almaran Smith, May 1853.
Hiram Paulding, Sept. 1853.
Charles Brady, October 1853.
J. Bullard, March 1853.
J. R. Johnson, April 1853.
V. Riddell, May 1853
G. W. Wilson, May 1853.
A. S. Laavitt, October 18
W. H. Cushing, January 1854.

Chuck, though most kept on to Olympia, which was the destination for which all set out from Portland. Arrived there they found that an animated rivalry had sprung up between this, the earliest settlement in the territory, and the newer town of Steilacoom, where the enterprising Balch, shipowner, merchant and general State-building sort of man in every way, had platted a town, and in the intervals between his trips to San Francisco and other points along the coast, in command of one or the other of his ships, the George Emery or the Demaris Cove, was playing the part of real estate dealer with his accustomed activity. Soon after he had chosen his claim, in January 1851, and determined to start a town of his own, to be called Port Steilacoom, John B. Chapman, a lawyer from Indiana, who had first tried to start a city on Gray's Harbor, arrived accompanied by his son John M. Chapman, and the two had taken claims adjoining that of Balch. The elder Chapman appears to have been a real estate boomer of the modern kind. He immediately laid out a town on the claim of his son, and named it Steilacoom City. The competition between the two townsite owners for the patronage of the arriving settlers became sharp, and grew sharper as time passed. The rival towns grew rapidly and soon became to all appearances one, as they in effect were. From rivaling each other they in time began to be the rival of Olympia. As many buildings were going up there, as many people were seen in its streets, as much business was done by its merchants, and as many ships were seen in its harbor, and at the session of the first territorial legislature, in the winter of 1853–4, it gave the older town a sharp race in the contest for the capital.

Even at this early day a few bold spirits had ventured to make claims in eastern Washington. In October 1852

Lewis Dawney had made a location not far from Whitman's station at Waiilatpu, and in the September following Narcisse Raymond took a neighboring claim. Still earlier than either of these Lewis Raboin had settled on the Tucannon, near the eastern boundary of Columbia County. In 1853 Stevens found about twenty-five old Hudson's Bay employees living with their Indian wives near the old fort, and Brooke, Bumford and Noble had an extensive cattle ranch on the Walla Walla. In September 1855 Ransom Clark, a native of Maine, who had come to Oregon with Fremont in 1843, and settled in Yamhill County, chose a claim near those of Dawney and Raymond. The Indian war was then beginning and he was ordered to leave, and did not return until the fall of 1858. He died in Portland a year later at the age of forty-nine.

Chapter XXXIX.

PROGRESS OF EVENTS.

CONGRESS created the collection district of Puget Sound by an act approved February 14, 1851, by which the headquarters of the district were fixed at Olympia. In May President Fillmore appointed Simpson P. Moses collector of the new district, and General William W. Miller of Illinois surveyor at the port of Nisqually. General Miller came overland to the territory, arriving before the collector, who came by way of Nicaragua. He reached San Francisco in September, and came north early in November in the George Emery, arriving in the neighborhood of Port Townsend November 10th, where he took the oath of office before Henry C. Wilson, a justice of the peace for Lewis County, and continued his journey to Olympia.

Before he arrived the report had reached the Sound that gold had been discovered on Queen Charlotte's Island. It had also reached Portland and the Exact, with her company of goldhunters, and most of the founders of Seattle, was already on her way up from the Columbia. The news had been carried to Olympia by the captain of the sloop Georgianna, who had recently crossed from Australia to Victoria, and had learned it at the latter place. He at once advertised for passengers, and was so successful that he sailed north with a party of twenty-two, in time to meet the George Emery, with the new collector and his party on board, near Cape Flattery. The ubiquitous Balch was fortunately in the same neighborhood, in command of his Demaris Cove, and after visiting both the Emery and the Georgianna, he promised the goldhunters to follow them as soon as he could make arrangements for the purpose.

The Georgianna was blown ashore and wrecked on the east side of Queen Charlotte's Island soon after her arrival,

and all her passengers, together with her officers and crew, were immediately made prisoners by the warlike Haidah Indians, who inhabited that neighborhood. They were stripped of their blankets and most of their clothing, and the ship was looted. The weather was cold and rainy and the prisoners suffered terribly, their captors giving them but little to eat, and compelling them to provide wood and water for their own camp, and perform such other slavish services as their cruel fancy suggested. They would doubtless have murdered them outright, but for the hope that they might be ransomed by their friends. This hope the captives managed to encourage, so far as they could make themselves understood by signs.

For eighteen days the condition of these captives was most miserable indeed. They were housed in a building about seventy by forty feet in size and twelve feet high, built of slabs split from cedar trees, and inhabited also by ten Indian families of five to eight persons each, together with their dogs and their inseparable accompaniment of fleas. This building furnished them only indifferent protection from the wind and the rain. They were always hungry and, as most of their clothing had been taken away from them, they were never warm. Their only hope of rescue was that Balch might follow them, as he had promised, or that they might get word to the Hudson's Bay post at Fort Simpson, which they knew was a long distance northward.

They importuned the Indians to send them, or some of them, to this fort, in order that they might procure means to ransom themselves, but, although their captors manifested some inclination to do this, the weather continued stormy and the water along the unprotected shore so rough that they could not be prevailed upon to attempt the journey.

Finally on December 6th they provided a canoe with seven paddlers, and Samuel D. Howe, accompanied by McEwen, the mate of the wrecked sloop, one sailor and the Kanaka cook, started on their perilous trip. They were five days in reaching the fort, and were not received there with the welcome they had hoped for. Captain McNeil, who had commanded the Beaver when Wilkes was at Nisqually, was in charge, and although he provided them with food and clothing, he seemed in no hurry to send for their suffering companions. He promised to send, but made no seeming attempt to do so. The Indians in the neighborhood of the fort were threatening to make war on the Haidahs, and he seemed to be more anxious for his own safety than to relieve those who were in more imminent danger, although they were people of his own kind. Four weeks elapsed before he was ready to send to their relief, and meantime he required his visitors to stand guard at night in compensation for the relief already furnished them.

Fortunately for these wretched captives, Captain Balch sailed for the island as he had promised to do. He learned of the wreck but was unable to render the sufferers any assistance, and returned immediately to Olympia, where he appealed to Collector Moses to take prompt and effective measures for their rescue. There was no revenue cutter, or other government vessel then in the Sound. The collector was without authority to incur any expense for an undertaking of this kind. He went to Fort Steilacoom, where he conferred with Captain Hill, and at Nisqually he fortunately found John Work, the old-time factor of the Hudson's Bay Company, who had been in command at Fort Simpson for several years, and knew the Indians in that locality well. He thought it probable that the captives

would not be able to prevail on the Indians to take them to the fort at that season, when the weather was so stormy and the water so rough. He did not think the fort could send them any assistance. If they were to be rescued at all it must be done by assistance sent from the Sound.

The collector accordingly chartered the Demaris Cove and sent her north in command of Balch himself. Lieutenant Dement, with a corporal and five men, was also sent along, and he was given a letter of credit to enable him to purchase blankets and whatever else might be needed, at Fort Simpson, to procure the release of the prisoners. This relief party sailed on December 9th and returned to Olympia January 31st, having rescued the entire party.*

Collector Moses did not receive the commendation he was perhaps entitled to expect for doing thus promptly and without authority what Congress would undoubtedly

* The ransom was arranged without much difficulty, except in the case of one member of the party who, as the story is told by Colonel E. J. Allen, had lived for a considerable time in the Bowery in New York. He could sing and dance and do many other things for which the Bowery boys of that day were noted, and early in the captivity of the party had done so much to entertain the Indians that they had treated him with more consideration than any of the others, and some of his companions believed that they were all treated more leniently than they otherwise would have been, on his account. But his abilities as an entertainer were so much appreciated that he finally began to wish he had never exhibited them, for the Indians kept him singing and dancing during most of the day and a large part of the night. To add to his miseries a very ancient squaw adopted him as her son, and became so assiduous in her attentions to him that she insisted in masticating his food before she permitted him to swallow it. All the Indians wished to have him exempted from the general ransom, and the old squaw was particularly unwilling to part with him. For a long time after his return his companions in captivity and others used to remind him of the devotion of this venerable admirer, particularly when they thought it would be most annoying. Naturally the reminder was never very agreeable, and his invariable and only response to it was, "D—n her." E. J. Allen MS.

have authorized him to do if it could have been consulted. The discipline of official routine in those days was thought to call for reproof rather than compliment, or compensation, and the secretary of the treasury accordingly wrote him that "the department does not, nor has it the power to recognize an act by which you constituted yourself the representative of the government of the United States, in such an emergency; and whatever may have been the motives which prompted the formation of such a military expedition, it cannot be sanctioned by the payment of the expense referred to in your letter."

By this ruling of the secretary the collector was left to pay the entire cost which had been incurred in the rescue of these unfortunate castaways. But the matter was so left only until Congress could be informed as to the facts in the case. Balch was a member of the first territorial council, in the winter of 1853-54, and Samuel D. Howe, the member of the rescued party who had made the trip of a hundred and sixty miles in an open canoe, through a wintry sea, to Fort Simpson, was a member of the lower house. An earnest memorial was, upon their representations, prepared and sent to Congress, praying that the collector might be reimbursed for the expense he had incurred, and on the 4th of August following $15,000, "or so much thereof as might be necessary," was appropriated for the purpose.

The settlers on the north bank of the Columbia near its mouth, and on the shores of Shoalwater Bay, appear to have been the first to feel the need of a county organization of their own. Pacific County was accordingly organized for their accommodation by act of the Oregon legislature of February 4, 1851. Previous to that time all the settlers north of the river had got along very well with such county government

as Clarke and Lewis counties furnished them. This government was not very thoroughly organized, but it served for the time being, and was not oppressively expensive. For a time, as we have already seen, John R. Jackson was sheriff and assessor and collector for both counties, and a memorandum in Dr. Tolmie's carefully kept Journal of Occurrences indicates that his custom was to assess and collect at a single visit, thereby limiting the cost of traveling expenses to a minimum, and making bookkeeping almost unnecessary. But things soon began to be done in a more elaborate and systematic and expensive manner. A report by Richard White, clerk of the board for Lewis County for the period between July 7, 1851, and July 5, 1852,* shows that there was received from all sources during that time $2,135.15, and expended $2,335.35, so that the settlers even thus early were beginning to be acquainted with deficits and public debts.

The boundaries of Pacific County, as defined in the act creating it, began at Cape Disappointment and extended north along the coast for twenty-five miles, thence east thirty miles, and then south to the river. With Clatsop County south of the river it formed a representative district, and this district together with the one composed of Lewis and Clarke counties was entitled to one member of the council.

On January 12, 1852, Thurston County was organized. Its boundary began on the shore of the Pacific, at the north line of Pacific County, ran thence east to the top of the Cascades, and included all of the territory north of that line. Olympia was fixed as the county seat. As the act creating it was first drawn, the new county was to be named

* The "Columbian," Sept. 18, 1852.

Simmons, for its earliest settler, but Delegate Thurston had died on his way home from Washington early in the preceding year, and the people of the territory had not yet learned of the things he had done, while the donation act was pending, that they would try with some humiliation to undo in succeeding years, and the new county was named in his honor, instead of that of the man who was best entitled to claim it.

In the succeeding winter Colonel Ebey was the only representative from the whole region north of the Columbia in the Oregon legislature, and he distinguished himself by his activity. Among other things he secured the creation of four new counties out of the territory so recently assigned to Thurston County. Two of these were named for the recently elected president and vice-president, Franklin Pierce and William R. King, who were not yet inaugurated; the other two were Island and Jefferson. The boundaries of Pierce County were fixed approximately as they still remain. King County included all the territory north of Pierce and Thurston, from the ocean to the summit of the Cascades, its northern boundary being a line drawn due east and west through Pilot Cove, on the west side of Admiralty Inlet, where the pilot Wilkes had sent to Fort Nisqually for had found him. Jefferson County included all of the peninsula west of the inlet north of that line, and Island all on the east side north of the same line, including all the islands which now compose both Island and San Juan counties. The county seat of Pierce was fixed at Steilacoom, on the donation claim of John M. Chapman, that of King on the donation claim of Dr. Maynard, that of Island on the claim of Dr. R. H. Lansdale at Coveland, and that of Jefferson on the claim of A. A. Plummer at Port Townsend.

The first post offices north of the Columbia were established at "Vancouver, Vancouver County," and "Nisqually, Lewis County," on January 8, 1850. Moses H. Kellogg was named as postmaster at the former, and Michael T. Simmons at the latter. The name of the Vancouver office was subsequently changed to Vancouver, Clarke County, and then to Columbia City, Clarke County, and finally to Vancouver again, the last named change being made on December 10, 1855. R. H. Lansdale succeeded Moses Kellogg as postmaster on December 12, 1850. Henry C. Morse was his successor, being appointed on June 16, 1854. The "Nisqually" office was changed to Olympia on August 28, 1850. Simmons served as postmaster until May 26, 1853, when Andrew W. Moon was appointed. A post office was established at Port Townsend on September 28, 1852, and F. W. Pettygrove was named as postmaster. A few days later, on October 12th, an office was established at Seattle and Arthur A. Denny was appointed postmaster. The next office in the territory appears to have been established at Whatcom on March 19, 1857, when Russel V. Peabody was made postmaster.

Mail was received at these offices, for several years, very irregularly and at long intervals, and there was a good deal of complaint among the settlers in consequence. But it was a long way, as they all well knew, from the Eastern States, from which most of their letters came, and arrangements for their mails were at that time established with some difficulty.

As early as March 3, 1847, a postal route from Independence, Mo., to Astoria, Ore., was authorized by act of Congress. In his report for that year, the postmaster general says that bids for carrying the mail over this route

were advertised for but none were received that could with propriety be accepted. Post offices were established at Astoria and Oregon City, and postmasters were named, and General Cornelius Gilliam was appointed a special agent to superintend the service, but nothing seems to have been accomplished then, or for nearly two years later, to get a mail service organized.

From the report of the first assistant postmaster general for 1849, it appears that a post office had been established at Salt Lake, "in a territory recently denominated deseret," which was supplied with mail from the western border of Iowa, over a distance of about 1,030 miles. Two new post offices had been established in Oregon, one at Portland and the other at Salem, though no special means had been provided for getting mail to them. The government had, however, provided for the delivery of the mail at San Francisco, and "other points on the coast," via Panama, and the settlers in Oregon were receiving mail occasionally over this route.

The first successful effort to establish an overland mail route as far west as the Columbia appears to have been made in 1850. On May 20th of that year advertisements were published, inviting bids for the service from Independence, Mo., to Oregon City, and for several other routes, including one to Salt Lake City. James Brown of Georgetown, Mo., was the successful bidder for this contract, and he undertook to carry the mail between Independence, Fort Kearny, Fort Laramie, Fort Bridger and Fort Smith to Salt Lake City, one trip a month, commencing August 1, 1850, for $19,500 per annum, services to be performed in four- and six-mule stages, on a schedule leaving each terminus on the first of each month. In 1851 this route was extended

from Salt Lake to the Dalles, the contract being awarded to Brown & Torrence, who were to make six trips per year for $8,000. On January 13, 1852, Congress consented to the establishment of a route from the Dalles to the Cascades, and also one from the Cascades to Columbia City, as Vancouver was then called.*

Early in 1853 a weekly mail from New York to San Francisco, via Vera Cruz and Acapulco, was arranged for. It was announced that letters would now make the journey from coast to coast in the short space of eighteen days, and a direct weekly mail from San Francisco to the Sound began to be regarded as an early possibility. All mail for northern Oregon still came up the coast to Portland from San Francisco, with which there was weekly communication of some regularity by steamer. From Portland it was carried to Ranier, or to Monticello, near the mouth of the Cowlitz, by the Lot Whitcomb, the first steamer built on the coast, which had been launched only a little more than two years earlier. There it was delivered to Antonio B. Rabbeson, who carried it on horseback, over a road that was still scarcely more than a trail, to Olympia. So much of it as was destined to points beyond, like Steilacoom, Seattle, Port Townsend and Whidby Island, went forward by such conveyance as could be found for it, or when some person known by the postmaster to be reliable was sent for it with his canoe or on horseback. The soldiers at Fort Steilacoom sent for theirs with some regularity and at their own cost apparently. Perhaps it was in answer to their complaints that the second assistant postmaster general was led to write to the special agent of the department,

* Letter from second assistant postmaster to Hon. F. W. Cushman, Dec. 7, 1907.

then in Oregon, that he would authorize the establishment of a route from Olympia to Steilacoom provided the mail could be carried for not to exceed $140 per year. As it would cost the contractor $52 a year to be ferried back and forth across the Nisqually once a week, this liberal proposition of the department was not accepted, and the soldiers and settlers in the neighborhood continued to go twenty miles or more for their mail when they thought any was awaiting them, for a considerable time longer.

The postage rate was ten cents for each letter, from any point on the Atlantic to Oregon, and six cents from San Francisco to Oregon. The rate from points on the Atlantic side to San Francisco was only three cents, and if any person was disposed to do so he might, by sending his letter to a friend in San Francisco, who would remail it for him in a fresh envelope, save one cent, by putting the postal authorities to the extra trouble of delivering it and receiving it again, and canceling an extra stamp. So badly were our postal regulations made in those days.

In September 1852 the first newspaper north of the Columbia was established at Olympia. It was called the "Columbian," and was owned and edited by J. W. Wiley and Thorton F. McElroy. The first number was issued on September 11th, and it was printed then, and for a considerable time afterward, on an old-fashioned Ramage press, that had done service in almost every other pioneer printing office along the coast. The governors of Mexico had used it to print their proclamations before 1834, when it was taken to Monterey, where for a time it served a similar purpose. In 1846 it went to San Francisco, where the "Star," and afterwards the first issues of the "Alta California," were printed on it. Finally it moved on up the coast to Portland,

where it served to get out the earlier issues of the "Oregonian," and from there the Mary Taylor brought it to Olympia. It was subsequently used by the publishers of several other newspapers in the territory, in printing their earliest numbers, and finally it found a permanent resting place among the most valued relics in the museum of the State university.*

In their first issue Messrs. Wiley and McElroy announced that their principal purpose in undertaking the publication of the paper is "to encourage the settlement and development of the territory, in every way possible, by disseminating information in regard to its natural advantages, and particularly by urging onward such public improvements and private enterprises as will contribute to that end." They pointed out the importance of opening new roads and improving old ones. At that time the principal, and in fact almost the only, road in the territory was that from Warbassport, on the Cowlitz, to Olympia, and this was scarcely passable for wagons, especially in the winter. There was a sort of trail from Olympia to Fort Nisqually, with a ferry across the river at Packwood's Place, but with this exception it was scarcely in better condition than when the only people who made use of it were the packers and messengers of the Hudson's Bay Company. The ferry was not always to be depended upon. The river at that point was about two hundred feet wide, when the water was high in the rainy season, and the current was always swift and dangerous. The settlers in its neighborhood had once or twice built a flimsy sort of bridge across it for their own use, but their work

* For the history of this pioneer printing press I am indebted to Mr. George H. Himes, secretary of the Oregon Historical Society, who served his apprenticeship as a printer boy in at least one office where it did service.

was invariably washed away by the first high water, or made useless by changes in the river channel. There were fords at one or two other places farther up stream, but they were always difficult and sometimes dangerous. Chief Factor Douglas nearly lost his life at one of them in the early fifties.*

In December 1852 a subscription was taken up for improving the road up the Cowlitz, and the county commissioners authorized new roads to be laid out from Yelm to McAllister's place, near the mouth of the Nisqually, and "from Steilacoom to Dewamish," the latter being urgently demanded apparently by the people of Seattle in order to give them access to the metropolis, and communication by land with the world outside. But a great deal of labor was required to get it open through the jungles of the Puyallup, the Struck and White River valleys, and it was not made passable for several years. The effort made to improve the Cowlitz road did not result in anything very substantial seemingly, for during that winter the mail carrier was unable to get through for five successive weeks.

But while roads for their own daily use were so urgently needed, the settlers realized that a road across the Cascades, which would permit the immigrant trains to come direct from Walla Walla to the Sound, would be of greater benefit than any other. Until such a road could be provided they must continue to go down the Columbia to the Dalles, and by the Barlow road across the mountains, or by raft and portage around the Cascades to Portland. Thus they first reached the Willamette, for which many of them had started

* Edward Huggins, in an unpublished manuscript, says that the last private bridge built across this stream was swept away in 1867, and that from then until the first county bridge was built, in 1895, the only means of crossing was by the ferry or by fording.

originally, and where many others were easily induced to remain, who would otherwise come to the Sound.

As early as the winter of 1850-51 an effort had been made to get work started on this road, but the settlers were too few in numbers to accomplish much. From the first it seems to have been believed that the Nachess Pass afforded the most practicable route, although previous to October 1852 Dr. Lansdale had explored the Snoqualmie route, as Samuel Hancock had done several years earlier,* and thought it entirely practicable—far better in fact than "the toll gate trail across Mount Hood, or the equally deplorable one down the Columbia," in the opinion of the "Columbian." This route continued to be talked of for some time, but seems never to have seriously divided attention with that up the Puyallup, and so across to the headwaters of the Nachess or Yakima.

The "Columbian" was a persistent and efficient advocate of this road from its very first number. In every issue it had something to say in its favor, either reminding the settlers of the advantages they might hope from it, encouraging them to believe that it could be opened much more easily than they supposed, or suggesting some plan for hastening its construction. When the Oregon legislature, in the winter of 1852, authorized counties to levy a four-mill tax for road purposes, the "Columbian" suggested that the first thousand dollars raised in this way should be invested in provisions, and sent east of the mountains for the support of the families of all immigrants who would then help to cut their way through to the Sound. In this way it thought a large part of the labor needed could be easily secured.

* Hancock MS.

As time passed interest in this enterprise steadily increased. There was scarcely an issue of the "Columbian" without some mention of it. The settlers thought much and talked much about it. Some of the more recent arrivals remembered that they had heard about the attractions and advantages of the Sound country before reaching the Columbia, and they knew they could easily have been persuaded to come direct to it, if there had been even a hope of finding a way across the mountains. They remembered also the difficulties, the dangers, the exposure and trials of the trip down the Columbia, or over the Barlow road from the Dalles, and how glad they would have been to avail themselves of any means that promised escape from them. These perils were beginning to be reported to the emigrants long before their arrival at the Columbia. It was only necessary to provide almost any means of escape from them, and they could come to the Sound in steadily increasing numbers, and that of all things was what those who had already arrived most wanted.

But they were still few in numbers, and of money they had but little. The road would be most difficult to make even passable. For nearly a hundred miles it must be opened through an unbroken forest, where the giant firs and cedars, towering two and three hundred feet high, stood so closely together that it would be impossible to make a way for wagons through them without cutting many of them almost up by the roots, and this would require prodigious labor. The mountain stream which the road would naturally follow through a greater part of the way was a roaring torrent, in which there were but few fords and these more or less dangerous. Bridges would be necessary in many places, and while material for them was abundant, its very abundance

would make it difficult to get it in place. Help from some source to build a road through such a wilderness seemed to be imperative, and there was no source from which it could be hoped for but from Congress. The territory had none to give; the counties were unable even to make passable trails to connect the scattered settlements.

As the season advanced reports from the East and South indicated that the number of immigrants crossing the plains that year was larger than ever. As in former years, since '49, they had been counted at Fort Kearney, and up to July 14th 18,856 men, 4,270 women and 5,590 children had passed that point. Among them were four men with wheelbarrows, several with pushcarts, while a few others carried all their worldly possessions, including pick and shovel, on their own shoulders.* There was probably an equal number passing on the north bank of the Platte, who could not be seen from the fort, and still other thousands were coming by sea, around Cape Horn, and by way of the isthmus. Most of these were undoubtedly going to California, but part of them would come to Oregon. There was hope that the number would be greater than in any previous year. Portland people were preparing to send aid to such of them as might be in need of it, before reaching the end of their long journey. At a meeting of the business men of that place, held late in September, $400 had been subscribed, and early in October this was increased to $1,000. A circus owned by the Messrs. Caldwell had given a special performance in aid of this fund and $300 had been realized.† The trains were already beginning to arrive and the indications were that the total arrivals for the year might amount to ten thousand souls.

* "Columbian," Dec. 4, 1852.

† "Columbian," Oct. 9, 1852.

Every issue of the "Columbian" at that time contained something calculated to interest these newcomers and induce them to come to the Sound. It had been an energetic and persistent advertiser of the Sound country from the beginning. In its very first issue it had pointed out that vessels might save from $500 to $800, for pilotage and towage, by coming to the Sound in preference to the Columbia. This advantage gave promise that the Sound must soon become the center of a rapidly growing trade with points along the coast, and eventually with the Orient. Already twenty-one vessels of various build,* were coming to the Sound with more or less regularity, and their number was steadily increasing. One cargo of piles and squared timbers had been sent to China by the bark Louisiana, so the trade with the Orient was already begun.

The demand for timber and lumber was increasing rapidly. Sawed lumber was selling in San Francisco at from $200 to $500 per thousand feet, and some dealers were even asking $600, "while flour brings $40 per barrel."†

Coal had also been discovered within thirteen miles of tide water on the Skookum Chuck. A sample of it had been shown to the editor, and "several gentlemen well skilled in geology pronounce it pure anthracite. Still others pronounce it Cannel coal of very fine variety." Evidently the coal experts came to the territory very early.

In its third number, published September 25th, the editor reviewed the progress made in the territory, and

* These were: brigs, Orbit, George Emery, Leonesa, Daniel and Eagle; barks, G. W. Kendall, John Davis, Brontes and Jane; schooners, Exact, Demaris Cove, Susan Sturges, Franklin, Alice, Mary Taylor, Cynosure, Honolulu Packet, Mexican and Caesar, and the Hudson's Bay steamer Beaver and brigantine Mary Dare.

† "Columbian," Nov. 20, 1852.

particularly at Olympia since the arrival of the Simmons party, and among the improvements specially mentioned was "the elegantly furnished frame hotel, of which E. Sylvester is the gentlemanly proprietor." The growth of Steilacoom, where the rival townsites of Balch and Chapman were contending sharply for precedence, was also noticed. This town already had "two stores and a good hotel" besides a saw mill, owned by T. M. Chambers. Warbassport on the Cowlitz had been platted, and there was a store, a hotel and a saw mill and grist mill there. There was also a mill on the Chickalees—as Chehalis was then spelled—owned by a man named Armstrong. Settlement was progressing at various points, particularly at Monticello, Cape Flattery, New Dungeness and Whidby Island, and "the experienced engineer Mr. J. W. Trutch was making a preliminary reconnoissance for a railroad from Skookum Chuck to Olympia" in order to bring coal easily to tide water. "The Indian's Canoe," the editor says exultingly, "has been supplanted by our majestic brigs and schooners, which float up and down the Sound, affording easy transportation for all who wish it." And now a steamboat was promised at an early day, by Captain A. B. Gove of the Potomac, and a member of the firm of Kendall & Co., which owned two ships, and maintained a general store in Olympia, of which Joseph Cushman was manager, and where "a full stock of implements of all kinds, as well as dry goods, groceries, crockery, boots and shoes is constantly kept on hand."

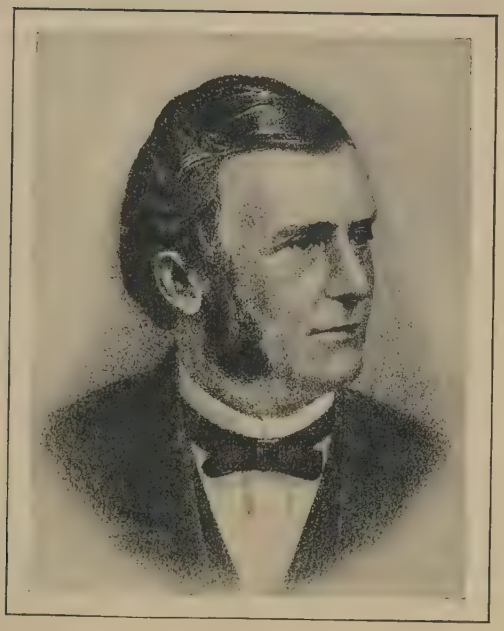
This same number contains an advertisement of "a great attraction for one night only. Mr. A. C. Thacher will give a lecture on astronomy, to be concluded with an exceptionally good phantasmagoria lantern exhibition, an amusing

REV. JOHN P. DEVORE

This pioneer minister of the Methodist church was born near Lexington, Ky., December 7, 1817. He was for a time a member of the Rock River Conference in Illinois, and came to Oregon in 1853. His first church in the territory was at Scottsburg, then moved to Oregon City. He was presiding elder of the Puget Sound district from 1856 to 1859. He died in Tacoma in 1888.

steadily kept on hand."

This same number contains an advertisement of "a great



and instructive after piece." This was probably the first public entertainment given in the territory.

In the issue of April 2, 1853, there is another review of "the present flourishing condition of northern Oregon." "One year ago," the editor says, "a few vessels did all the business between Olympia and other points; now twice as many are employed. Nearly every week a new vessel is seen." "One year ago we had no minister, and no church service. Now we have services every sabbath which are well attended." "There are more ladies in the community, and society is much improved." The hope is expressed that more ladies will continue to come, so that the condition of "our bachelors" may be more hopeful. The number of farms has increased. The donation land law has been extended for two years. Fisheries have increased. The salmon catch was more than double that of the preceding year, and plans are being made to explore the coast for codfish.

The first church service was conducted by Rev. Benjamin Close, who had arrived in Olympia during the preceding winter. A school had also been opened during November, and there were "several hundred dollars in the county treasury of which new districts might have a part as soon as organized."

Rev. John F. De Vore arrived in Steilacoom in August 1853. He was an enterprising religious worker, and had secured some contributors toward building a church in that place, from his fellow-passengers on the ship by which he came to the Sound from Oregon. Among the latter were some army officers who admired his spirit, and possibly also his splendid physique, for he was six feet two inches in height and of muscular proportions. They readily contributed to

help build his first church, and the other passengers followed their example. The church was built during the following year, and appears to have been the first protestant church in Washington. A stone monument, marking its site, has since been erected by the Methodist conference and the State historical society.

The new territory was also beginning to have a fair supply of lawyers. First of these to arrive, so far as can now be ascertained, was Colonel Ebey, who came in 1848, and had advised the settlers in making their remonstance against the attempt of the Puget Sound Agricultural Company to pasture its cattle on the south side of the Nisqually. John B. and John M. Chapman, father and son, had come in 1850, when the elder had taken a claim on Gray's harbor, on the lower Chehalis, and attempted to start a town there, though without success. Daniel R. Bigelow had come on the Exact, with the Denny party, from Portland, and later formed a partnership with Quincy A. Brooks. Their card appeared in the first issue of the "Columbian." Brooks and Simpson P. Moses, the new collector of customs, and Elwood Evans were all admitted to practice in the courts of the territory, at the first session held at Olympia by Associate Justice Strong, in January 1852. In November following McConnaha & Wiley opened an office in Olympia and published a formal announcement in the "Columbian," in which they referred to Senators Thomas H. Benton, John B. Miller, and Thomas Corwin, Governor Burnett of California and all California newspapers.

Most of the practice of these pioneer lawyers was in the justice courts, of which there were three in the Sound country. Not one of the justices was a lawyer. Two of them were doctors and the third was, or had been, a clerk in Balch's

FIRST PROTESTANT CHURCH NORTH OF THE COLUMBIA.

This pioneer church was built at Steilacoom, through the enterprise of Rev. John F. Devore. Its site is now marked by a permanent monument.

historical society.

store. They were Dr. Lansdale at Olympia, Dr. Maynard at Seattle and Henry C. Wilson at Port Townsend.

In later years Hon. H. G. Struve, himself a pioneer of honored memory, gave this account of some of these pioneer lawyers and their practice:

"Among the earliest lawyers in this Territory were Colonel J. B. Chapman, one of the founders of Steilacoom, and Daniel R. Bigelow, then and still an honored citizen of Olympia. These two gentlemen engaged occasionally in a forensic combat before our worthy friend, Dr. Lansdale, the local Justice, who is yet alive; and it is said of Mr. Bigelow, who was a modest retiring man, and understood his profession well, that while he might not always cope with his wily antagonist in stratagem, he always had the grammar and the Queen's English on his side.

"A little later Quincy A. Brooks, for many years afterwards officiating as Postal Agent on this coast, made his appearance. A gentleman who kept a diary in those early days said of Mr. Brooks, that on many occasions he helped to while away the dreadful long nights of this northern latitude by his admirable performance upon the violin, of which instrument he was a master, and that it seemed to him that, should Mr. Brooks fail to convince a jury by his oratory, he might, by leave of the court, prove irresistible with his fiddle.

"In 1851 Hon. Elwood Evans made his advent. Having received a finished education, and possessing a mind richly stored with scholastic and versatile attainments, embracing every branch of useful knowledge, skillfully trained as a lawyer, by nature adapted to all kinds of literary and historical pursuits, his coming was a very valuable acquisition to the population of the territory. Having creditably discharged many high and important functions in various

positions, having made many contributions to literature and history, the result of patient labor and research, he is well entitled to enjoy the repose of an honorable and well-spent life." *

The business which then promised most, and gave the settlers most encouragement, was that which already furnished those who had need of it readiest employment. At Olympia, Steilacoom, New York and Seattle, and at various points along the west shore of the inlet, from Hood's Canal to Port Townsend, there was demand for men to cut spars and piles, and assist in getting them on board the ships which were waiting to take them to market. The first small saw mills at Tumwater, Steilacoom, Warbassport and on the Chehalis found the local demand for their product greater than they could supply. Some of the ships were taking squared logs to be sawed in San Francisco, and it was evident enough that mills which could furnish them with lumber would do a profitable business. The first of these to furnish cargo for this outside trade was undoubtedly Yesler's at Seattle, but by 1853 several others were building. A correspondent of the "Columbian," whose letter was printed in the issue of May 21st of that year, says he had just completed a tour of the lower Sound where many improvements were going forward. At Port Ludlow W. P. Sayward was "building an extensive system of steam and water power mills" and "J. J. Felt was also building a steam mill at Apple Tree Cove." The mill which Nicholas DeLin, M. T. Simmons and Smith Hays were building at the mouth of the Puyallup†

* Address to the Washington Pioneer Association, Seattle, 1886, by H. G. Struve.

† This mill is spoken of by Evans and others as located near the mouth of the Puyallup, though its site, which is still well known, is fully a mile

was nearly completed, while McAllister & Wells were at work on a new mill on McAllister's Creek, and A. J. Simmons & Co. had one nearing completion on Henderson's Bay. L. Bills had just built and launched a clipper sloop at Port Steilacoom. In a still earlier edition John L. Butler had advertised that he was just completing "an excellent dry dock on the west side of the inlet, three miles below Olympia," where he will soon be prepared to repair vessels of all kinds. Luther M. Collins also advertises that he has two hundred thousand apple, peach, pear, plum and cherry trees for sale, at his place on the Duwamish, and "dray number one" has made its appearance in Olympia, "with a long-eared, high strung, double bass singer attached," and the editor sees "no reason why the enterprise should not succeed."

To all these evidences of prosperous advancement was added the further encouragement that settlers were arriving in greater numbers than even the most confident had expected. Some of those who had crossed the plains in 1852 had come direct to the Sound from the Columbia. Some who arrived late continued on up the Cowlitz long after the winter had begun. Even late in December the report was that every house between Olympia and the Cowlitz was crowded with them, and "the cry is still they come."* As the spring opened others came in increasing numbers. The canoes and batteaux owned by Warbass & Townsend at Warbassport, and which they advertised would "forward both passengers and freight without delay," were taxed to

from deep water. Evans says the George Emery took two cargoes of lumber from it soon after it was completed, and anchored while loading in five fathoms, at a point where now the tideland is almost bare at high water.

* "Columbian," Dec. 18th.

their full capacity. Some of these batteaux were capable of accommodating eight or ten families, with their household goods, their wagons, ox-yokes and chains, and manned by eight or ten expert Indians would make the trip from the mouth of the Cowlitz to Warbassport in about three days. A letter from Cowlitz Landing printed on May 14th says about fifty families have passed that point during the previous three weeks, and among them were "several handsome representatives of female youth." "There are lots of strangers in Olympia," says the "Columbian." "All the homes and boarding houses are full," while all news from the East indicated that the immigration for the current year would be larger than ever.

The coming of all those settlers, and the consequent advancement in all lines of useful activity, particularly in the lumber business, made the road question more important and interesting than ever. Particularly did the desirability of getting the road opened from Walla Walla to Steilacoom impress itself upon all. Great hopes were entertained that Colonel Ebey would induce the legislature to memorialize Congress in its interest, and he did not disappoint them. His memorial was among the earliest prepared, and although various amendments were offered by members from the south side of the river, who were anxious to get other memorials adopted, in the interest of roads in their own neighborhoods, they were all voted down and his was approved and duly forwarded to Washington. It asked for an appropriation of $30,000 for the improvement. He also got a memorial adopted recommending an appropriation of $6,000 for a military road from Steilacoom to Vancouver.

But as the season advanced the settlers were reminded that these memorials did not build the roads they were so

anxious for. Early in March notice was received that Congress had appropriated $20,000 for the Walla Walla road, but by the end of April it began to be apparent that it would not be expended in time to be of any benefit that year, and it was the immigrants of that year that everybody had hoped to have it ready for. The "Columbian" accordingly began to call upon the settlers to "put their own shoulders to the wheel,"* and this they soon resolved to do. On May 18th, a public meeting was held at Olympia at which offers of labor were volunteered, and John Edgar, Whitefield Kirtley, Edward J. Allen and George Shazer were designated as a committee to explore the road, and they almost immediately began their work. Rev. Benjamin Close, A. W. Moore, E. Sylvester, James Hurd and John Alexander undertook to raise subscriptions either in money or labor.

These and all others interested in the enterprise were greatly encouraged by the receipt of a letter early in June, from Isaac I. Stevens, the newly appointed governor of the territory, which had now been created, in which he gave notice of his appointment and that he was setting out for his new post of duty; that he was to explore the route for a Pacific railroad while on the way, but this would not delay the organization of the territorial government, as a census would have to be taken before anything else could be done, and the new United States marshal would soon arrive to begin that work. The $20,000 appropriation for the Cascade road had been placed in the hands, and the expenditure of it had been intrusted to a "vigorous and energetic officer," Captain George B. McClellan, who would also soon be on the ground.

* "Columbian," April 23d.

This was cheering news. Captain McClellan was notified of his appointment in April, but he did not reach Fort Vancouver until July, although the mails were carried from New York to San Francisco in eighteen days, and there was a regular weekly mail steamer between San Francisco and Portland. At Vancouver his movements were so deliberate that the settlers, wearying of the delay, and fearing that nothing would be done in time to be of benefit to the immigrants of that year, finally concluded to go on with the work themselves.

In a very short time $6,600 was subscribed in money and labor. The money was invested in tools and provisions, and those who had agreed to contribute labor were assembled, and Edward J. Allen of the immigration of 1852 was given charge of the work by general consent. From that time forward, as Elwood Evans well says, he was engineer, contractor and the soul of the work. The exploring committee, of which he had been a member, had followed the trail which the Klickitat and Yakima Indians had used for years in their visits to Fort Nisqually. Edgar, who was an old Hudson's Bay man, who had married a Klickitat woman, had pointed it out, and they were easily convinced that it was the most practicable route to be found. A party composed of Whitefield Kirtley, Edwin Marsh, Nelson Sargent, Paul Ruddell, Edward Miller, J. W. Fouts, John L. Perkins, Isaac M. Brown, James Alverson, Nathaniel Stewart, William Carpenter and Mr. Clyne, was sent forward to begin work at the eastern end, while Allen himself, A. C. Burge, Thomas Dixon, Ephraim Allyn, James H. Allyn, George Githers, John Walker, John H. Mills, R. S. More, R. Foreman, Ed. Crofts, James Boise, Robert Patterson, Edward Miller, Edward Wallace, Lewis Wallace, James

R. Smith, John Barrow and James Meek began work at the western end. The time was short for an undertaking of such formidable appearance. July was already well advanced: August would be at hand before the work was well started, and settlers would begin to arrive in September or early in October.

But no time was lost or wasted. So confident were the builders that they would get the way open in time, that handbills were printed giving notice that the new road was open, and messengers were sent out to distribute them along the trails, and to urge the arriving settlers to come direct to the Sound, the true land of promise. Some of the trains arrived at the Columbia before the ferry, which it had been proposed to construct there, had been begun, and they were detained until some sort of rafts or flatboats to convey their wagons across could be constructed. This required four or five days, and they did not reach the summit of the Cascades until about the first of October. Here the road had not quite been completed. Allen and his associates, having been informed that no settlers were coming that year, had given up the work for the time being and returned to Olympia. Enough had been done, however, to enable the new arrivals to get through, and several trains came over the road that season, as we have already seen.

No part of the $20,000 appropriated by Congress for this road was used to reimburse the settlers for the money they had contributed, or the work they had done to get it opened. During the summer and fall Captain McClellan, "the vigorous and energetic" officer of whom so much had been expected, arranged to have it inspected. The route chosen was duly approved, and a promise was made that a report should be sent to Congress recommending an appropriation

for their reimbursement. The promise was faithfully kept, but Congress did nothing. In those times the Constitution was strictly construed, and no appropriations were made for any purpose within the boundaries of any single State or territory, that would assist its struggling settlers in any of their own enterprises. All improvements of that kind, if made at all, must be made by the State or territorial governments, or if no such government had been organized, or provided for, by the settlers themselves. But a military road might be built by the national government, and the $20,000 had been appropriated for such a road from Fort Walla Walla, still a Hudson's Bay station, to Fort Steilacoom. The nice distinction was made, apparently, that the settlers had not been building a military road, but an immigrant road, and therefore they must pay for it, notwithstanding the fact that the government appropriated their emigrant road, and made use of it for all the purposes a military road was designed to provide. The $20,000 was subsequently expended without greatly improving on the work which Allen and his fellow settlers had done at a cost of $6,600.

While local roadmaking was still in this primitive condition, transcontinental railroads were beginning to be hoped for, and their coming at an early day was even thought to be probable. A letter from the national capitol, printed in the "Columbian" of March 5, 1853, conveys the intelligence that capitalists had made application to Congress for a right of way across the continent, and for a loan of government credit at the rate of $15,000 per mile, to assist in building a road, and the sanguine correspondent expresses the opinion that "a thousand miles will be under contract within thirty days after the act is passed." Doubtless this was cheering

intelligence to the people of that day, who knew little about the cost of transcontinental railroad building, or the avarice of transcontinental railroad builders, who would find ways, in later times, to get much larger loans, and then to get them doubled as the work advanced, even "removing mountains," as Mr. Lincoln once said, by their representations. But Congress did not encourage the hopes of these capitalists. When the letter from Governor Stevens, already referred to, was received in June, with news that he was actually to make a reconnoissance for a Pacific railroad, while on his way to the territory, the prospect seemed more encouraging. The hopes of the settlers rose accordingly, though many years were yet to pass before the first rails would be laid.

In June 1853 Collector Moses received notice of his removal from office, and that Colonel Ebey had been named as his successor. He had never regained the confidence of the authorities in Washington, after he had lost or badly shaken it, by sending to the relief of the shipwrecked gold-seekers on Queen Charlotte's Island, and incurring a bill of some thousands of dollars which he asked, and expected, the government to pay. Now a new administration and another party had come into power, and it was anxious to be rid of him. Charges of mismanagement in his official affairs were preferred and, although they seem never to have been proven, he was forced out.

Although a surveyor general had been appointed for Oregon, and had reached Oregon City in April 1851, no surveys were made north of the Columbia until 1853. In the fall of 1852 a skeleton map was issued from his office, with notice that a surveying party would be sent north of the river during the following year. This notice was the cause of no small satisfaction among the settlers, all of whom

so far, had marked the boundaries of their claims as best they could, and there was already beginning to be trouble, or prospect of it, in regard to these boundary lines. It was now announced* that four townships in range 1, and a fractional township in range 2 east, commencing at Vancouver, would be surveyed. Then commencing nine miles above the mouth of the Cowlitz, four townships in ranges 1 and 2 west, and still further north two townships in ranges 1 east and 1 west, and extending as far north as Steilacoom were to be surveyed.

In April following the surveyor general's report, dated October 23, 1852, was published. It showed that up to that date notice from 777 settlers, claiming 640 acres each, and from 202 claiming 320 acres each, under section 4 of the land law, and from 80 others claiming 320 acres each, and 20 claiming 160 acres each, under section 5, had been filed in his office, making a total of 590,720 acres claimed by 1,079 individuals and families. From this showing it did not appear that the national domain would be speedily bankrupted by the demands of these settlers. By their coming to the territory they had materially aided in securing to the nation undisputed title to something near 300,000,000 acres. The surveyor general's office had now been open for a period of nearly eighteen months, and in that time all the people who had come to the territory since 1842, a period of ten years, had laid claim to less than one three-hundredth part of what they had helped so effectually to secure. The nation's generosity did not seem likely to prove so expensive after all.

On July 4, 1851, the first celebration of the national anniversary was held in Olympia—the first north of the

* "Columbian," Nov. 20, 1852.

Columbia after that held by Wilkes and his sailors on the prairie near Fort Nisqually, just ten years earlier. Colonel John B. Chapman seems to have been the orator of the occasion, and to have then suggested that the territory be divided. The day was celebrated in the following year when R. D. Bigelow was the principal speaker, and his address was printed in full in the first issue of the "Columbian" in September. In the following year the territory had been formed, and the day was celebrated with much enthusiasm, both at Olympia and Warbassport, J. Patton Anderson, the new United States marshal, being the orator at the latter place. At Olympia an elaborate program was arranged and successfully carried out. Joseph Cushman presided, and Colonel Frank Shaw was marshal of the day. Prayer was offered by Rev. Benjamin Close, and the Declaration of Independence was read by Simpson P. Moses. An elaborate dinner was served, after which a number of patriotic speeches were made, one of the speakers being Lieutenant A. V. Kautz, afterwards famous as major general in the army of the Potomac, and for many years well known among the residents of Puget Sound.

Chapter XL.

WANING POWER OF HUDSON'S BAY.

IT WILL be well now to review the change that had taken place in the affairs of the Hudson's Bay Company, and its subsidiary concern, the Puget Sound Agricultural Company, in the eight years since the Bush-Simmons party arrived at Budd's Inlet. This change had been very great—indeed it could hardly have been greater, for the former had ceased to be the sole governing power in all the vast region then known as Oregon, and both had become mere trading concerns, doing business in a foreign country, where their agents and employees were continually made to feel they were not altogether welcome. Both were still rich and powerful—powerful because of their wealth, because of their established trade relations with the outside world, because of the employment they were able to offer to those who were in need of it, and the market they furnished for such produce as the settlers had to sell, and the supplies they furnished in return for it, and particularly on account of the fortified positions they still held at various points in the territory, and more than all because of the great influence they still had with the Indians.

Dr. McLoughlin no longer ruled at Fort Vancouver. In August 1845, while Simmons and his friends were absent on their tour of exploration in the Sound country, Lieutenants Warre and Vavasour, of the Royal Engineers, arrived at Vancouver, with instructions to investigate the condition of Oregon, and certain representations that seem to have been made in London that officers of the Hudson's Bay Company, and particularly Dr. McLoughlin, had "encouraged American settlements in that region; that they had sold goods to American settlers cheaper than to British subjects; had joined the provisional government without reserve, save the mere form of oath, and were accessory to

the appropriation of the territory by the American settlers." Finding himself thus misrepresented, censured, and spied upon, McLoughlin had resigned from the Company and retired to his claim at the falls of the Willamette, where he was to spend the remainder of his days in fruitless efforts to defend his own against the attacks of those he had often befriended, and who, but for the assistance he had given them in their hour of extremest need, would have perished, or been forced to leave the country.

With his resignation his influence on the settlement of the country, particularly that part of it with which this history has to do, came to an end. But one who has borne so great a part in the direction of affairs does not cease to be interesting simply because he has laid aside the cares of office, or the responsibilities of authority. Succeeding generations, for many years to come, will learn with sorrow, and remember with regret, that the later years of this great man's life were embittered by many needless annoyances, by the unjust censure of those he had long and faithfully served, by the ingratitude of those he had befriended, by criticism from those who should have been his foremost defenders, by the suspicion of those whose confidence he had nobly earned, and that his gray hairs were finally brought down in sorrow to the grave, in a land of which he is now justly known as the father, but which, while he lived, grudgingly gave him the shelter of a home.

As early as 1829 he had determined to erect a saw mill and a grist mill at the falls of the Willamette, where Oregon City now stands, to supply lumber to the settlers he was encouraging to locate in the valley in defiance of the strict rule of his company, and to grind their wheat when they should produce it. During the winter of that year he sent

workmen to the place to begin preparations for building. As there was then no urgent need for either mill, these workmen made progress but slowly. They first built three log houses for themselves, and in the following year cultivated a small garden. It was not until 1832 that the mill race was blasted out, nor were the squared logs for the mill buildings all prepared until 1838. In that year also a new house and store building were erected, the houses first built having been destroyed by Indians.

This was undoubtedly the first occupation of the ground, and should have given Dr. McLoughlin first claim to it, whether his original intention was to hold it for himself or for the use of the Company.* The Company could not acquire title to it, in any event, whether the country should become British or American. The use of it while it should be permitted to remain in the country, together with such claim for compensation for its improvements as occupancy would finally give it, was all it could reasonably hope for. All this it would enjoy, and preserve claim to, if McLoughlin finally laid claim to the ground in his own right, while an unfriendly claimant would probably demand undisputed possession. Under the treaty of joint occupation all the country jointly occupied was equally open to British subjects and American citizens. Both were encouraged to go there and make homes for themselves. Our own Congress had amply foreshadowed the policy it would finally adopt

* Sir George Simpson says plainly, in a report to headquarters, dated Fort Vancouver, November 25, 1841, that "McLoughlin had taken possession of it on behalf of the Company, some years ago." (Paragraph 48.) And again: "I visited this spot in 1828 accompanied by C. F. (Chief Factor) McLoughlin, when it was determined to take possession of a part of this water fall for the Company." "The American Historical Magazine," October 1908.

if the United States should acquire sovereignty. Various measures had been proposed and debated, and sometimes had passed one or the other house, but had never been enacted into law—because they never could be made effective while the country was in dispute—and all indicated that liberal grants would be made to all actual settlers, whether native or foreign born. None of these required citizenship as a condition of the gift. The offer was made to citizens and aliens alike.* No intimation was given that even a declaration of intention to a become citizen would be required, nor was any means provided or suggested by which the claimants might legally declare such intention if they should desire to do so. The doctor's claim to this property, although made while he was still a British subject, was as lawful and binding as if he had been an American citizen, and for a considerable time it was so recognized.

In 1840 the Rev. Jason Lee, as superintendent of the Oregon Methodist Mission, applied to him for permission to build a missionary station near the falls, and for a loan of enough timber to build it. Enough ground for the mission was readily given, and part of the timber prepared for the mill buildings was loaned and used for the mission house, part of which was used as a store and part as a residence for the missionary in charge, Rev. A. F. Waller. To avoid misunderstanding in regard to this transaction, and also to give publicity to his claim, Dr. McLoughlin addressed a letter to Rev. Lee embodying his offer, to which Lee replied accepting it, and thereby recognizing the doctor as the party authorized to make it.

* "Every white male inhabitant," was the language of Senator Linn's bill.

There was a small rocky island, of a little more than two acres in extent, and separated by a channel about forty feet in width from the main body of the claim, which the doctor had included within the limits of his property. In 1841 Felix Hathway had some timber conveyed to this island, intending to build there, but was formally warned that the doctor claimed it. The Willamette Milling and Trading Company was then formed, with the mission holding three-fourths of the stock, and the remainder being held by various individual settlers, among whom was Hathway. He and his associates now took possession of the island, regardless of the doctor's claim, and proceeded to erect a saw and grist mill. The doctor promptly gave them notice that he claimed the island as part of his property, but gave them his written authority to go on with their building, though making certain reservations.

During the following year the doctor learned, to his surprise, that Rev. Waller intended to claim the falls, and immediately communicated with Superintendent Lee, who, after a visit to Waller, assured him that he denied any such intention. But a settler, who subsequently applied for a lot, and being told to go and make his selection, was warned by Waller to leave the premises, saying "it was well enough for Dr. McLoughlin to give away his own lots." This, being reported to the doctor, led to a further correspondence with Superintendent Lee, which seems to have been concluded by the following letter from the missionary

"I said to you that I had conversed with Mr. Waller on the subject of claims at the falls, and that I understood him to say that he sat up no claim in opposition to yours; but, if your claim failed, and the mission did not put in a claim, he considered he had a better right than any other man,

and should secure a title to the land if he could. From what I have since heard, I am inclined to think I did not understand Mr. Waller correctly, but I am certain it is so. You will here allow me to say, that a citizen of the United States, by becoming a missionary, does not renounce any civil or political right. I cannot control any man in these matters, though I had not the distant idea, when I stationed Mr. Waller there, that he would set up a private claim to the land."

No settlement of the matter was reached at this time, though various propositions looking toward a settlement seem to have been made, and finally Waller gave formal notice that the grounds of his claim were that he was a citizen of the United States when he first took possession, and that he was the prior occupant. The grounds on which he would resist the doctor's claim were that he was an alien, owing allegiance to a foreign government; that he was the chief officer of a foreign corporate monopoly; that he had never resided upon the land claimed since the month of December 1840, at which time Waller's residence on it began; that while pretending to hold said land for himself the doctor was in fact holding it for a foreign corporate body, and that his claim arose, if at all, "more than two years subsequently to your actual possession.'" Simultaneously with the delivery of this letter, there was issued an address to the settlers, which contained this warning: "Upon the same principle contended for by Dr. McLoughlin, any of you may incur the risk of being ousted from your farms in the colony by the next rich foreigner who chooses to do so, unless, in the first instance, you come unanimously forward and resist these usurpations." The effect of this address was, as it was intended to be, to arouse ill feeling

toward the doctor among the settlers, many if not all of whom had reason rather to regard him with affection.

Finally Dr. Elijah White, who had returned to the territory with the first emigrants in 1842, proposed an arbitration, which was, after some consideration, accepted, and himself, James Douglas and William Gilpin were appointed arbitrators. They reached a compromise agreement by which the doctor was to give Waller five acres of ground and pay him $500; he was also to give the mission forty-four lots. To all this the doctor agreed and carried out his part of the agreement.

But the trouble was far from ending here. In June 1844 Rev. George Gary succeeded Rev. Jason Lee as superintendent of the mission, and in July it was decided to sell the mission property at the falls; and a letter dated July 15th was sent to Dr. McLoughlin, conveying that information. "The following," said this letter, "is the valuation we put upon the property of the Missionary board of the Methodist Episcopal church at this place. We deem it proper to present a bill of items, that you may more fully understand the ground of our estimate; one warehouse $1,300; one white dwelling house $2,200; out houses and fencing $200; old house and fencing $100; four warehouse lots $800; eight lots in connection with dwelling house $1,400; total $6,000. The two lots occupied by the church are not included in the above bill. If you should conclude to purchase the above named property, you will do it with the understanding that we reserve the occupancy of the warehouse until the first of June 1845; the house in which Mr. Abernethy resides until August 1845; and all the fruit trees on the premises, to be moved in the fall of 1844, or spring of 1845; and the garden vegetables now growing. If you

see fit to accept this proposition, please inform us at the earliest opportunity, as we cannot consider ourselves pledged longer than a day or two."

This peremptory and exorbitant demand was received by the doctor with surprise and no doubt with indignation. But he protested in vain. He reminded the mission authorities that he had but recently donated the lots, which it was now demanded he should buy back, and that one of the buildings scheduled had been constructed of lumber which he had loaned for that purpose, and suggested that the matter might be referred to the missionary board from which the reverend gentlemen derived their authority. But this was refused. The new chief of the mission justified his demand on the ground that "it was business." The doctor replied that honor and conscience might also be regarded, but to no purpose. The terms offered were insisted upon and finally accepted. The mission board dropped out of the controversy, but some members of it continued for a long time to give aid and comfort to the doctor's persecutors.

When Peter H. Burnett arrived late in 1843, McLoughlin retained him as his attorney. Burnett was a lawyer of ability, and a man of honor and integrity. Under his advice Waller, though still living on the claim, was not disturbed, as he could acquire no adverse right against his landlord, under whom as tenant he had begun his residence there, but notice was served on the Milling Company that its claim to the plant would be contested.

As soon as it became certain that no war would result from the "fifty-four forty or fight" presidential campaign, Dr. McLoughlin applied to Burnett, who had then become a judge under the provisional government, to receive his declaration of intention to become a citizen of the United

States, but the judge was without authority to do so. Later and within two months after Governor Lane had set up the territorial government of Oregon, under authority of the United States, and in much less time after the courts of the territory were organized, he appeared before Hon. W. P. Bryant, in the district court for the county of Clackamas and made his declaration.

Nearly sixteen months later Congress passed the donation act, or Oregon land law, the eleventh section of which confirmed to the Willamette Milling Company the title to Abernethy Island, which had originally been a part of the doctor's claim, but the rest of it was "set apart to be at the disposal of the legislative Assembly, for the establishment and endowment of a University," provided however that all the lots he had sold or given away prior to the establishment of the territorial government, should be confirmed to those who had thus secured them.

Dr. McLoughlin was thus despoiled of his property, by a Congress whose members were wholly misinformed by a letter, prepared by Delegate Thurston, and sent to most or all of them individually, which must ever be regarded with sorrow by his friends and admirers, of whom he had not a few, and all others will severely condemn. Many things asserted in it are not true, and it would seem that the author must have known they were not true.* They were made at a time and in a place where the person affected by them had no opportunity to make defense, and that person was one whose treatment of the American settlers, at all times, had been such as to entitle him to their gratitude, and to command the respect if not the admiration of their countrymen. Soon after he was apprised of what had

* For the principal part of this letter see Appendix.

been done, and of the contents of Mr. Thurston's letter, he made a reply which has been regarded by most candid people as a complete vindication.

Thus the last years of this kindly old man were embittered by the injustice as well as by the censure of the employers he had so long and well served, by the suspicion of a government to which he had been loyal long after his loyalty had ceased to be appreciated, and by the ingratitude of his neighbors, many of whom he had saved from suffering and even starvation. Like Clive, Hastings, Durham and others of his countrymen who had rendered his country and its people service of great value, he found that:

"He who ascends to mountain tops shall find
The loftiest peaks most wrapt in clouds and snow;
He who surpasses or subdues mankind
Must look down on the hate of those below.
Though high above the sun of glory glow,
And far beneath the earth and ocean spread,
Round him are icy rocks, and loudly blow
Contending tempests on his naked head,
And thus reward the toils which to those summits led."

John McLoughlin died in 1857, at his home in Oregon City, and is buried there. Five years later a bill was introduced in the State legislature to provide for the sale of his claim, and the application of the proceeds to the uses of the university, as the land law had provided. The measure was not popular with the members, most of whom realized that a great injustice had been done by Congress in providing that this disposition should be made of the rightful property of another. Some did not see that anything else could be done with or about it. The doctor's heirs were anxious to

have the bill defeated, but something better was in store for them. Near the close of the session an amendment was offered, which changed the whole character of the measure, by providing that the claim should be sold to Dr. McLoughlin's heirs for the nominal sum of $1,000. This was almost instantly agreed to by the Senate, only two members voting no, and the House passed it with almost equal unanimity. And so, at last, reparation was made, so far as it could be made in this world.

Dr. McLoughlin was succeeded as chief factor, and governor of the Hudson's Bay Company west of the Rocky Mountains, by his old-time friend and associate James Douglas. He was a man of great ability and experience, and for many years afterwards conducted the business of the Company with success.

Soon after the provisions of the boundary treaty became known it appears to have been perceived that its third and fourth sections might be construed very liberally. Like that Nootka treaty about the meaning of which Vancouver and Quadra had differed so widely, it was very loosely drawn; it could be interpreted to cover possessions of a princely sort, if only some color of claim could be set up to them,* or it might refer only to a sandspit. "The possessory rights of the Hudson's Bay Company," it said, "and of all British subjects, who may be already in the occupation of land or other property, lawfully acquired, within the said territory, shall be respected," and again, "the farms, lands and other property of the Puget Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to said Company," but this property might be transferred to the United States, if they should wish to secure it, "at a proper valuation."

* For this treaty in full see Appendix.

There seems to have been some doubt for a time as to what should be or might be done to make the claims of the two companies as large as possible. Accustomed as its governors, factors and agents had been, for many years, to do business at large profit, and yet to employ its men at the low rate of seventeen pounds sterling—less than $85—per year, and to look carefully after the last penny in all expenditures, it was quite natural that all chance of increasing the amount to be received in final settlement should be carefully looked after. But the method to be pursued, to this end, was evidently not easily determined upon. At first it appears to have been decided to have its employees and servants make claim to as much of the land as seemed to be most valuable, as possible—a method that was very successfully followed by other corporations in later years. This was begun early in 1846 at Nisqually and seems to have been very actively pushed for a time, for there are numerous entries in the Journal of Occurrence like the following:

"Feb. 4—Latour and three other Canadian axmen building a hut on claim taken in the name of M. Nelson Cook. Wood for another hut prepared on a claim taken at the Northwest extremity of American plain.

"Feb. 10—August McDonald and Lucier, with Paquet erecting a hut on Sandy plain beyond Nisqually field, where a claim is to be taken.

"March 12—Rode out to Mr. Heath's, and accompanied by McLeod visited some of the land claims."

These entries were made some months before the boundary question was settled, but when it was probably known that negotiations would soon be resumed. In the year following, when it was known that the boundary treaty

had been ratified by both governments, there are similar entries—for example the following:

"April 10—Jacob and three Indians splitting poles on one of the land claims. Dr. Tolmie with Wren and others measuring claims.

"April 12—One man with oxen shifting wood off one of the old fort houses to a more convenient spot of the claim; it is to be set up by Moore and Wallace, two Americans engaged for the purpose.

"April 13—Messrs. Simmons and Bush engaged for building claims houses for the Company.

"April 17—Simmons & Co. returned from house building, having set up four on different claims.

"April 19—Wren, McLeod and three Indians and two yoke oxen sent out to build claims huts on the plains.

Unfortunately these old journals for the years between 1847 and 1849 have disappeared and cannot now be found, so that it is not possible to know how long this policy was pursued, or when or why it was changed. But when the matter is next mentioned in the journals that are still accessable, Dr. Tolmie is busy warning both Americans and Canadians not to make locations on any land claimed by his company, and its claim now covers a very wide area. One day he serves notice on T. M. Chambers, or Wallace, or Balch, or one of the Chapmans at Steilacoom; another it is William Doughtery near South Tacoma; and still other times it is McPhail or McLoud, or some other old employee of the Company, on Muck or Clover creeks, or still farther away near the Puyallup or the Nisqually. None of these settlers, whether American or Canadian, were greatly concerned about these notices. Balch told him frankly that he should not pay the slightest attention to his, and went on staking

out town lots, and putting together the framed building that he had brought out ready made from Maine. Thomas M. Chambers, not satisfied with one claim, now that he has received notice to quit, goes at once and marks off another for one of his sons, and a few days later gets another notice. Glasgow, having been much about the fort, being employed there upon occasion to fix a press for wool, and another for furs, and possibly feeling somewhat at home there, lays off his claim at the mouth of Sequalichew Creek, and includes the Company's wharf and warehouse; then he sends written notice to the doctor to make no further improvements there, as he is about to begin to build a mill, and will require all the water in Sequalichew Creek for power. Taking with him two witnesses, the doctor goes on the following day to remonstrate, pointing out that the Company has long been in possession of the place, and that it has made many improvements there, all of which are necessary to the conduct of its business, and gives him both written and verbal notice to quit; but he does not quit at all or seem to think of doing so.*

All this was more or less exasperating to both sides, and prepared the way for trouble of a much more serious kind that was soon to follow. We have noted that many, perhaps

* There is among the old letters already mentioned as now in the possession of Mr. Clarence Bagley, one from Chief Factor Douglas to Dr. Tolmie, dated Fort Vancouver, 19th April 1847, in which he says: "Go on and prosper with the claims; the huts on the claims are clear and most convincing proofs of occupation; you will observe by the letter from Sir J. H. Pelly, that the Company's claim is understood as extending 'to all lands brought into cultivation, or used in the folding of sheep, or herding cattle,' which is precisely the view we had taken of the treaty. Therefore continue as you have begun, securing by quiet means as much land as possible. . . . Warn off all new comers, in a pleasant way, and keep always on the rights side of the law." (See Appendix for this letter in full.)

most, of the settlers had come west with the impression that somehow their "thirty thousand rifles" would find occasion to expell this foreign institution from a fruitful region which it was wrongfully occupying, and which it hoped to possess permanently. They were accompanied, much against their will, by a few camp followers who were only too willing at any time to begin open hostilities, and make trouble for both sides. Naturally irritated by the presumption of this foreign concern, in forbidding them to take what belonged to their own government, and which it had long promised to give them and their seed forever, in return for the assistance they had courageously given in quieting the title to it, they now recalled all their old prejudices, which the neighborly association of half a dozen years had done much to allay, and were again as ready as in the beginning for whatever it might seem needful to do. They remembered how the Company had first encouraged its own people to make locations, in the region it now claimed as its own, and how it had employed some of the American settlers to build the huts and cabins by which these people were finally to secure title. Without informing themselves too carefully, as indeed they had little opportunity to do, in regard to the terms of the treaty by which it was allowed to remain in the country, and in accordance with which its property was sometime to be purchased, and such rights as it had extinguished, they more and more convinced themselves that the Company was an arrogant intruder, which was seeking by sheer effrontery to establish new pretences and enlarge old ones, disregarding and defying their own rights, and as a consequence they themselves became more aggressive, and perhaps in some degree unreasonable.

Chief Factor Douglas had now left the territory and established the headquarters of the Company at Victoria on Vancouver Island, a post which he himself had founded in 1843, and where a town of some pretensions was growing up. In May 1849 there had been great bustle of preparations for an event of unusual importance at Fort Nisqually. The clever Kanaka, who had made all the furniture used about the place, was employed for several days in making a bedstead for the chief factor, who was daily expected to arrive. In the afternoon of the 25th he appeared, accompanied by his three eldest daughters, all on horseback, and an hour or two later five wagons arrived, in the last of which were Mrs. Douglas and the other two children. The wagons were filled with some cases of gold dust from California, in which the Company now did a large business, with bales of furs and other goods, which were mostly the private property of the chief factor and his family, and the records and papers belonging to the principal office of the Hudson's Bay Company on the coast. The family remained at the fort for several days, and on June 1st, "after an early dinner," as the journal records it, embarked on board the schooner Cadborough for their new home.

Dr. William Fraser Tolmie was now left in general charge of everything on the American side of the boundary, particularly at Nisqually and on the Cowlitz. He was a man of moderation, rare discretion and sound judgment. He was an ardent lover of nature, and when he kept the Journal of Occurrences, as he did during most of the time when he was not absent from the fort, frequent mention is made in it of the appearance of the earlier spring flowers, birds or insects.

Such a lover of nature could not fail to be of benevolent disposition. He was one of the first to begin missionary work, for which he had a strong inclination, among the Indians; to study their character, habits and mental ability, and estimate correctly the possibility of their advancement. Unlike many others who have formed their opinions by the exercise of their imagination, and not by the help of reason, based upon actual information, he realized that civilization must be a slow process; that the step from savagery to enlightenment is too long to be made in a single generation, and that natures formed through the influence of ages of sloth, ignorance and mental darkness, were not to be transformed immediately into something approximating perfection. He looked for no miracle, but labored patiently and by practicable methods to make, and help others make, such progress as they could. He adopted the methods which McLoughlin's long experience had proved to be most useful and his management like McLoughlin's was eminently successful.

As a physician his services were always generously at the disposal of the Company's servants, and the Indians, when they had need of them, and in the years before and after the settlers came, he often rode to the Cowlitz and even to Fort Vancouver to attend the sick. There is not much to show whether or not he was equally attentive to the settlers, in case of need, but he doubtless was or would have been, if occasion had required.

In character, in temper and in many other respects Dr. Tolmie resembled McLoughlin. He probably did not possess the ability to deal with great affairs, which McLoughlin clearly indicated that he possessed, and which he would have demonstrated, if he had been better understood and

more promptly and liberally sustained by his company and his government, but he proved himself equal to his opportunity, on every occasion.

During the trying times of the Indian war, when he was frequently under suspicion, and probably unjustly so, and his position was often rendered difficult, and sometimes even dangerous, because of this suspicion, Dr. Tolmie bore himself with calmness and courage, and so avoided or escaped dangers which under a less tactful management might have led to disaster.

An incident, not heretofore mentioned, occurred in the fall of 1851, and had occasioned a good deal of comment among the settlers who must have looked upon it as furnishing evidence that the Hudson's Bay Company was not respecting the authority of the United States. On November 10th, only a few days after Collector Moses had arrived and established the headquarters of the new collection district at Olympia, the steamer Beaver, with the brigantine Mary Dare, which also belonged to the Company, in tow, appeared in Budd's Inlet, and dropped anchor about two miles from the town, which was as near as Captain Stuart, of the Beaver, probably felt safe in going. Both vessels were immediately boarded by Deputy Collector Elwood Evans, accompanied by Colonel Ebey and A. J. Simmons, inspectors, one of whom was put in charge of each vessel. The vessels were seized for violating the revenue laws.

The Beaver reported in ballast, although she had no ballast apparently except some coal, but she did have on board, as the inspector reported, about $500 worth of trading goods, such as she was accustomed to use in trade with the Indians along the coast. The Mary Dare had the usual annual supply of goods for Fort Nisqually. Both

vessels had anchored off the fort for fifteen hours, before coming to Olympia, as the inspector reported, and six passengers, with their baggage, had been landed there without a permit. During all the time boats had passed freely between both vessels and the shore. A package of sugar weighing only 230 pounds was found on the brigantine, which was a flagrant "violation of section 103 of the act of Congress, approved March 3, 1799," which provided that refined sugar, in packages weighing less than 600 pounds, should not be brought into any port under penalty of forfeiture of both the sugar and vessel.

The offense charged was not a grievous one, in degree at least, but it was perhaps wise to apprise the Company that the law was to be strictly enforced, now that the machinery for enforcing it had been created and put in order. The Beaver was constantly engaged in trade along the coast as far north as the Russian territory. She was a small vessel and could stop almost anywhere along shore, as she did, to trade with the natives. Her trade was not such as is usually carried on by ships, but was strictly of a retail character. She might have been careful about the boundary line, and not to trade south of it, especially since the seizure of the Cadborough nearly two years before, but there was no certainty that she had been so. There was little to prevent, or even to make it dangerous for her to trade at most places along the shore of the Sound on either side, when far enough away from the few settlements to escape observation. She was now to learn that she could not do so in future with impunity.

In making the seizure the new collector had strictly followed the instructions of the treasury department, and although the offense was scarcely more than a purely

technical one, it was necessary that the ships should have their day in court. A special term of the district court, for the third district of Oregon, was accordingly convened at Olympia on January 20, 1852, Justice Strong presiding. This was the first session of court held at Olympia, and only one other was held there while it was a part of Oregon. David Logan and Simon B. Mayre, of the Portland bar, had accompanied Judge Strong to Olympia, and in the trial of the causes, Logan acted as district attorney, while Mayre appeared as counsel for the Company. Quincy A. Brooks was clerk of the court and A. M. Poe United States marshal.

On the day following libels were filed against both vessels, the $500 worth of goods on the Beaver, and the package of sugar on the Mary Dare, and the usual process was asked for. The court allowed a warrant to issue for the arrest of Captain Stuart, holding that for violations of the revenue law by the master of a vessel, the master was liable to punishment by fine and imprisonment, but the vessel could not be held liable for his act. That night Captain Stuart quietly disappeared, going by canoe to Fort Nisqually, and thence by such conveyance as he found to Victoria, whence he took the precaution not again to return. No answer was made to the charges against the Mary Dare and her cargo, except that Dr. Tolmie gave notice in open court that he had made a petition to the secretary of the treasury to remit the forfeiture. The court then proceeded to take proof, which was certified to the treasury department, with the petition accompanying. The record of these proceedings is as follows: "Trading goods not upon any manifest, to the value of $500, were brought into the district from a foreign port, were seized upon the vessel thus importing them. The court holding the vessel was not liable for such

acts of the master, discharged her, and the master fled the jurisdiction of the court. The sugar supplied Mary Dare is bonded for $13,000, to await the action of the secretary of the treasury."

Thereupon, on the 24th day of January, the court adjourned *sine die*. That day Dr. Tolmie paid the duties on the cargo of the Mary Dare, and she was towed out of the barbor by the Beaver. At the succeeding term, held in April 1853, the case of the United States vs. Charles E. Stuart, captain of the Beaver, was, on motion of the district attorney, stricken from the docket. The forfeiture in the matter of the Mary Dare was remitted by the secretary of the treasury, and so the matter ended.

And so, now, for a period of nearly forty years, from the time of the betrayal of Mr. Astor's interests into the hands of the old Northwest Company, the Company and its old-time competitor, of which it subsequently became a part, under the name and style of Hudson's Bay Company, as it was most commonly called, having ruled in the country with absolute authority for many years, having and sometimes exercising the power of life and death, and being vested with authority to make war or peace with any country not Christian, had now come upon times where conditions were so completely changed that it was to be henceforth subject to another power, which was to hold it in all things to strict accountability.

Chapter XLI.

THE TERRITORY ORGANIZED.

THE SETTLERS north of the Columbia had scarcely begun to be accustomed to the territorial government of Oregon, before they began to think of having one of their own. It was well that they determined to make application for it thus early, for if they had delayed matters, even for a few months, they might have been compelled to wait for many years.

A territorial government had been granted to Oregon in 1848, at the end of a long and bitter controversy. The slavery question then obtruded itself into every national measure of importance, and perverted and distorted all our political affairs. It was naturally inseparable from all things pertaining to the unorganized territory of the country. The admission of Texas had greatly increased and intensified public interest in it, and now that Texas was safely in the Union, Oregon was next to rouse the rancorous discussion.

In communicating the boundary treaty of 1846 to Congress, President Polk had taken occasion to suggest that a territorial government would soon be required for the vast region which had been so long in dispute, but to which our title was now confirmed. In response to this suggestion the House passed a bill for such a government, but it failed in the Senate for want of time. In his next annual message, in December of that year, the president had renewed his recommendation. The House again took prompt and favorable action, but the Senate rejected the bill. At the opening of the next session the president once more renewed his recommendation, and the Senate proceeded reluctantly to consider the matter, but it was not until Special Messenger Joe Meek had arrived with news of the Whitman massacre, and bearing the urgent appeal of the provisional government

for assistance, that consideration of it was begun in earnest. The president communicated the news he had received, in a special message addressed to both houses, on May 29th, in which he said: "The facts set forth in the accompanying memorial and papers, show that the dangers to which our fellow citizens are exposed are so imminent, that I deem it to be my duty to again impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws and the protection of our government." The message closed with an urgent appeal for prompt action, so that the relief so urgently needed might be sent forward "before the severity of the winter will interpose obstacles in crossing the Rocky Mountains."

But notwithstanding his appeal, and the evident urgency of the case, the bill was not finally passed and approved until August 14th. The Mexican war had just ended, though news of that fact was not received in Washington until some days after the president's message was sent to Congress. The Wilmot proviso, which involved the very essence of the slavery issue, had been proposed as an amendment to one of the earlier measures for its support, and reoffered and debated in connection with many other measures during its continuance. Mr. Lincoln, who was then serving his only term in Congress, said afterwards that he "supposed he had voted for it at least fifty times."

While there was no prospect that slaves would ever be held in Oregon, or that slaveowners would ever even wish to take them there; while the laws already existing there prohibited slavery, this was not enough for the friends of freedom. They insisted that the territorial bill should contain a provision that "neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the

party shall have been duly convicted, shall ever exist in the territory," and to this the advocates of slavery would not consent. The bill was debated at great length, and with much bitterness, at times almost with fierceness. All the great senators of the time took part in it—Webster and Calhoun, Douglas of Illinois, Clayton of Delaware, Reverdy Johnson of Maryland, Jefferson Davis and Foote of Mississippi, Berrien of Georgia, John P. Hale of New Hampshire, Phelps of Vermont, Dickinson of New York, Underwood of Kentucky, Bright of Indiana and Butler of South Carolina, as well as many others. Twice while the bill was under consideration the Senate sat through the whole night, and once far into Sunday morning. One of the most eloquent, vehement and impassioned speeches of the debate was by Thomas Corwin of Ohio. Both the friends and enemies of slavery listened to it with bated breath and pale lips, and at its close some of the former openly said that a few more such speeches would dissolve the Union.

But all this passion and excitement was allayed, and apparently ended, by the compromises of 1850. It was to break out again in 1854, following the introduction of the famous Kansas-Nebraska bill, and was to rage with ever increasing fierceness and bitterness, until the language which it had been proposed to write into the Oregon bill only, should be made a part of the Constitution of the nation, at a cost of a million of lives, and more than a thousand millions in money. But meantime, in 1853, Washington became a territory.

The first suggestion that the settlers north of the Columbia should take steps to secure a territorial government, separate from that of Oregon, seems to have been made by John B. Chapman at the Fourth of July celebration held at Olympia

in 1851, of which so little is now remembered. It probably did not receive much or very serious attention at the time. There was no newspaper north of the river to make note of it, or keep it in the public mind. The settlers were not feeling the need of government very seriously, nor had they yet much fault to find with that which the authorities at Oregon City were supposed to be furnishing them, although they rarely realized that it was furnishing any.

But in time they began to find reason enough. One of the earliest found was of a very trivial nature. When the time for holding the regular term of court in October 1851 arrived, the jurors were summoned to meet at Jackson's place on the Cowlitz, instead of at Judge Ford's place on the Chehalis, where it had been supposed court would be held. This would take the jurors living in the northern part of the district some fifteen or twenty miles farther from home than they expected, and they were not pleased with the prospect. They also took exception to the form of the summons, which "commanded" them "to appear, and fail not under penalty," in the usual form. This they resented. They were not serfs, they said, to be commanded by anybody, and some of them threatened to disregard the summons entirely, while others thought that nothing less than impeachment would be a proper rebuke to a judge who had presumed so far upon the rights and privileges of free American citizens. But the matter seems to have ended, so far as jurors and citizens were concerned, with these expressions of their sovereign displeasure.

As time passed other and more serious grievances began to be complained of. The territorial officers were blamed for not paying as much attention to the wants of settlers north of the Columbia as they thought they were entitled

A FAMOUS PIONEER HOME.

The house of John R. Jackson at Highlands in Lewis County. It was long remembered with affection by most of the early settlers. The first court for the trial of civil cases, held in the territory, was convened there. An early convention to memorialize Congress to divide the territory was also held there.

sovereign displeasure.

to be complained of. The territorial officers were

to. The surveyor general did nothing for them; not a section of land had been surveyed north of the river. They were put to no end of trouble to reach his office, which was in Oregon City, to file notifications of their claims. The superintendent of Indian affairs for the territory had sent a special deputy, Edmund A. Starling, to the north side of the river, but he had done nothing but make a census of the Indians, from such information as he could gather from their chiefs, and it was of doubtful value. They got no assistance from any source to open the roads which were so much desired and so sadly needed. Their mail service was not improved, and, although the territorial authorities were in no way responsible for this, a feeling seems to have prevailed that they might help to get them made better than they were if they were inclined to do so.

Most of all, the settlers north of the river felt that they were not allowed a fair share of representation in the territorial legislature. Together with Clatsop County, south of the river, they had but one member of the Council, and two in the lower house. The population of the territory was now scattered over a very wide, or more exactly over a very long, area, extending from the Umpqua on the south, along the valley of the Willamette and Cowlitz, and thence to Puget Sound, and Whidby Island and Port Townsend on the north, with thriving settlements on both sides of the Columbia near its mouth. The portion south of the river had been settled much earlier than that on the north side, and was undoubtedly entitled to the larger representation, and this the settlers on the north side realized, and they would doubtless have been content with things as they were for some time longer, had not a curious circumstance deprived them for one whole session of any representation at all,

except by the member from Clatsop and Pacific counties, who happened that year to reside on the south side of the river.

Just before its adjournment in February 1851, the legislature had passed an act removing the capital of the territory from Oregon City to the new town of Salem, a few miles further up the Willamette. It also provided for the location of a penitentiary at Portland, for the location of the university at Marysville, now Corvalis, and for the sale of the university lands. It had been vigorously opposed, and long debated, but was finally passed near the close of the session. Governor Gaines was opposed to it, and asked the United States district attorney for an opinion in regard to its validity. He pronounced it invalid because the organic act creating the territory provided that "every law shall embrace but one subject, and that shall be expressed in its title." During the summer the attorney general of the United States expressed a similar opinion, the matter having been referred to him by the president. Still later two of the three judges of the supreme court of the territory united in an opinion to the same effect. The third judge dissented.

Notwithstanding these adverse opinions, when the time appointed for the next meeting of the legislature arrived, a majority of its members repaired to Salem, organized both houses and proceeded to business. The dissenting judge also went there to hold a term of court, but the other two met as before at Oregon City. There also appeared Columbia Lancaster, the sole member of the Council, and Daniel F. Brownfield, the sole representative from the north side of the river, and three other members of the lower house, and proceeded to organize a minority legislature, so far as such a body could be organized. Judge Lancaster being

the only member of the Council present, easily elected himself president of that body, and the four members of the House elected Mr. Matlock speaker pro tem. Then for seventeen days, Sundays excepted, these two minority houses gravely met and as gravely adjourned for want of quorum. Then the two presiding officers as gravely adopted a memorial to Congress, to which they affixed their official signatures, and adjourned without day.

This memorial opened with a glowing and high-sounding preamble, reciting among other things how "the Columbia River, like the principles of civil and religious liberty," had burst through the Cascades and coast ranges and "shattered into fragments the basaltic formation," and closed with a prayer that the Territorial Council might be increased from nine to fifteen, and that various other things might be done that would be appreciated by the people of Oregon, last but not least of which was that $10,000 might be appropriated to purchase a library for the State university.

This minority legislature was then, and long after, spoken of as the "one-horse council," and Judge Lancaster, who was by most people supposed to have been the author of that eloquent memorial, was forever afterwards known as "old Basaltic Formation," an evidence that a little nonsense now and then is relished by pioneers as well as others.

Before the time arrived for the next meeting of the legislature Judge Lancaster resigned his place, and Governor Gaines, in November 1852, called a special election to choose his successor. His proclamation was at first published only in the Portland papers, from which the "Columbian" copied it in its issue of November 20th, just as the convention at Monticello was about to assemble. In doing so it sharply criticised the governor for not sending it for publication in

the part of the territory where the people lived who were alone interested in what was to be done, and pronounced this another evidence of the disregard of the rights and interests of those living in the northern part of the territory, by the territorial officials. "They do not let a dime of any government appropriation be spent north of the Columbia," it said, and for the time there seemed to be sufficient cause for the assertion.

The resignation, or at least the proclamation calling an election, came so late that there was not time to hold the election and get returns from the scattered communities interested, in time for the member chosen to be present at the session of 1852-53. Nevertheless such preparation as was possible was made and the election held. A letter signed "Many Friends," was published in the "Columbian," proposing A. A. Denny as a candidate for the place, and another signed "Many Voters" suggested D. R. Bigelow. Mr. Bigelow declined to run, and Seth Catlin became a candidate. When the returns were all in Mr. Catlin was found to have been elected, but the fact was not ascertained in time to enable him to be of any service, and Colonel Ebey, who was then in the lower house, was left to represent northern Oregon alone at that session.

Thus for two successive sessions the settlers in northern Oregon were deprived of the services of nearly all of the few representatives allotted to them, and it is not surprising that they should feel that their interests were neglected, or that they should early begin to agitate for a legislature, all of which should be their own. Colonel John B. Chapman claimed to have first suggested the name Columbia for the new territory, in his speech at that first Fourth of July celebration in Olympia, but Elwood Evans, who knew him

well, thinks his pretentions to that distinction were not materially strengthened by that fact. But however that may be, the name Columbia was, from the beginning, unanimously accepted as most appropriate, and every suggestion that action should be taken for hastening the creation of the new territory had coupled with it the name Columbia.

At the second celebration in Olympia, on July 4, 1852, a much larger number of settlers were present, and after the regular exercises had been concluded an informal meeting was held, at which the separation question was discussed with some enthusiasm. Before the meeting adjourned resolutions were adopted recommending that a general convention be held at Cowlitz Landing on August 29th. The agitation of the matter thus started spread rapidly and meetings were held in several of the settlements at which separation was considered with approval. One of these meetings, held at the house of John R. Jackson, was attended by settlers from Olympia and other points equally distant. A committee to arrange for the August convention was appointed, and also a committee on correspondence, charged with the duty of securing as large an attendance as possible.

On the appointed day twenty-six delegates assembled at Cowlitz, all of whom were from points in Lewis and Thurston counties. The settlers in Clarke and Pacific counties, living for the most part along the river, were nearer the territorial capital, and therefore were not so much interested in separation. Their nonattendance was regretted but it was easily understood.

The twenty-six delegates proceeded to prepare a memorial to Congress asking for the division of the territory; also for a military road from some point on the Sound to Walla

Walla, and another from the Sound to the Columbian River. They also indicated the boundaries of twelve counties of which the new territory would consist, and asked that the benefits of the donation law might be extended to it when created. They then adjourned to meet again in the following May, when, if the prayer of their memorial was not granted, they proposed to proceed to the preparation of a constitution, after the manner of California, and ask for admission as a State. As the territory did not then contain more than twenty-five hundred or three thousand inhabitants, the action might by some be considered a little presumptuous.*

When the "Columbian" was started in September 1852, it became an aggressive advocate of separation. In its third issue, on September 25th, a letter signed Elis appears, in which the creation of a separate territory north of the river is discussed as "a subject of paramount importance." Four weeks later the editor suggested that "the citizens who are about to assemble at the house of John R. Jackson to attend Court, take steps to have meetings held in every community in northern Oregon to appoint delegates to a general conference, to ask Congress for a separate territorial government."

The citizens who assembled at Jackson's were in excellent humor to follow this advice, and in its very next issue the

* Bancroft gives the names of those who attended this convention as follows: From Monticello, near the mouth of the Cowlitz, Seth Catlin, Jonathan Burpee, Robert Huntress; from Cowlitz Landing, E. D. Warbass, John R. Jackson, W. L. Frazer, Simon Plomondon; from Newaukum, S. S. Saunders, A. B. Dillenbaugh, Marcel Bernier, Sidney S. Ford, James Cochran, Joseph Borst; from Tumwater, M. T. Simmons, Clanrick Crosby, Joseph Broshears, A. J. Simmons; from Olympia, A. M. Poe, D. S. Maynard, D. F. Brownfield; from Steilacoom, T. M. Chambers, John Bradley, J. B. Chapman, H. C. Wilson, John Edgar, and F. S. Balch.

"Columbian" announces, in an editorial headed "Prepare! Prepare!" and printed in type of various sizes, to properly emphasize what it had to say, that such a meeting as had been recommended had been held, and an address adopted recommending that delegates be appointed by every community, to a convention to be held at Monticello on the last Thursday in November. "Let us hold meetings in every precinct and settlement," the editor says, "and appoint men who will be sure to attend. Let all be appointed who can possibly attend."

The fact that the meeting place proposed was rather inconvenient for most of those who would represent the Sound settlements was noted, but it was explained that the choice had doubtless been made so as to secure a larger attendance from the river settlements, which were much less deeply interested in what was to be done. It was of all things desirable to secure a general representation from all the settlements, and this was more likely to be got at Monticello than at almost any other point. It could be conveniently reached by delegates from all points on the Columbia and the Cowlitz, where some of the largest settlements were, and it would be inconvenient only for those on the Sound and Shoalwater Bay, and these were most vitally interested, and therefore most certain to attend. The place of meeting had therefore been wisely chosen.

Delegates to this, the most important assembly thus far held in the new territory, were elected in due course, and assembled at Monticello on the appointed day. They were forty-four in number, and after listening to a speech by G. N. McConaha, who had but recently arrived in the territory, but who, in the short span of life that yet remained to him, was to win the admiration and confidence of all with whom

he came in contact, proceeded to organize and perform the work for which they had been appointed. McConaha was chosen chairman, and R. V. White secretary, and then a committee of thirteen was named to draft the memorial.* This committee performed its work with rare discretion and sound judgment. Like another and far more famous committee, to which a work of similar kind had been entrusted, they looked upon the occasion as one in which a decent respect for the opinions of mankind required that they should declare the causes which impelled them to ask for separation, and submit facts to candid minds.

The facts which they submitted were nine in number, and they were stated in temperate but forceful language, the whole concluding with a prayer that Congress would, at an early day, pass a law organizing the district of country north of the Columbia and west of its great northern branch, under a territorial government, to be named "the Territory of Columbia."† The memorial thus completed was reported to the convention whose members promptly adopted it without amendment and subscribed it with their names.

Colonel Edward J. Allen, the Cascade roadbuilder, has written an account of his part in this convention,‡ which well describes the temper of the settlers at that time, the lightness with which they endured the hardships and privations which they were compelled to encounter, and the readiness with which they turned from matters of serious

* The members of the committee were Quincy A. Brooks, D. S. Maynard, William W. Plumb, Alfred Cook, J. R. Jackson, E. L. Finch, A. F. Scott, F. A. Clarke, C. S. Hathaway, E. J. Allen, E. H. Winslow, Seth Catlin, and N. Stone.

† For this memorial in full see Appendix I, Vol. III.

‡ E. J. Allen MSS.

import, when their part in them had been concluded, to things of less concern. He had only recently arrived in the territory, having crossed the plains that year. After reaching Portland he had worked, for a time, at cutting logs for the saw mills, and had left his oxen, of which he had two or three teams, on the north bank of the Columbia, near Fort Vancouver, where they found pasture for themselves in the woods and along the river. Having replenished his purse, he concluded to examine the Sound country, of which he had heard many favorable reports since his arrival, particularly from Governor Gaines, to whom he had brought letters of introduction. So after several weeks of hard labor, he started northward. His cattle were hunted up and collected with some difficulty. The rainy season had begun, and he was drenched to the skin from early morning until late at night. When it was not raining he was kept as wet by the long grass and dripping bushes, through which he was obliged to search for his cattle, as if he had been in the midst of a continual downpour. But the oxen were found at last, and with the help of an Indian boy, he started northward. The rain continued to fall incessantly, and after reaching the Cowlitz, he was compelled to ford it many times. But he was then a healthy youth of 22, and already well seasoned to exposure by his long trip across the plains. Like most other people he found the rain far preferable to snow and the severer winter weather to which he had been accustomed, and he found traveling by day in his drenched garments, and sleeping in them at night, under the hospitable shelter of a young fir or cedar tree, but a trifling discomfort. "One can sleep," he says, "if previous conditions demand it, even if wet through, and with the rain still beating down on you, but not if it is beating

in your face. Take my word for it and waste no time in experimenting, but spread your slouch hat to its fullest, and with a deft use of twigs, platform it over your countenance and sleep like an infant."

He had been several days on the trail, and had reached Warbassport, when he met Quincy A. Brooks with whom he had been acquainted in Pittsburg. By him he was introduced to some other delegates who were then on their way to the convention at Monticello. After a short acquaintance some of them invited him to return with them, and take part in the proceedings. He demurred at first, because he had only just arrived in the territory and really represented no constituency. "But they assured me," he says, "that my tenure was as good as some of theirs," and he was easily persuaded. He went back to Monticello with the party, and took such an active part in the proceedings that he was made one of the committee that drafted the memorial.

"Monticello did not offer much in the way of hotel accommodations," says Mr. Allen, "and the delegates quartered themselves as they best could. As everyone brought his own blanket, going to bed meant simply finding a dry place big enough to spread it on. Some fifteen or more of us found happy lodgment in an attic, where we camped down miscellaneously on the floor. Smoking was objectionable to no one; possibly some of the more provident had a flask or two that was not kept selfishly for their own use. There was no disposition to go suddenly to the land of dreams, and if any felt so inclined he was reminded it was not in good form, and jest and song and story filled up the genial hours.

"Long after midnight the entertainment began to flag somewhat; then some of the delegates boisterously maintained

that I had done little toward the entertainment, and, being a tenderfoot, I ought to make good in some way. They were nearly all middle-aged men, or seemed to me to be such, and as they had told stories from their own experiences that I had no match for, I was glad to compromise on a song. As the mood of the party had become reminiscent I thought nothing could be more appropriate than to once more test the memory of Mr. Benjamin Bolt. Something in the air and the memories it recalled gave me voice, and I sang it with a vim that met a cordial response, and caused two of the delegates to rise up from their blankets, and shake hands across their intervening companions, with a fervency that I cannot describe. Then they demanded additional verses, or such repetitions as might be ventured, only so I kept the air. I think after the 'motif' was defined, the words did not matter much. The air conveyed certain meanings to them, and they joined in at times with a volume of sound, that increased the general hilarity of the occasion.

"This incident gave a new turn to affairs, and an exciting discussion sprang up between two of the most sedate members of the party, respecting a particular feature in the ancient game of 'mumble-peg,' to settle which they simultaneously jumped out of bed, accoutered as they were, to decide it by going through the game 'regular.' At it they went, the jack-knife flying around the room during the performance, now projected from tip of nose, top of head, chin, all in regular orthodox fashion; correcting each other's mistakes with all the enthusiasm of boys, while we raised on our elbows, and watched the progress of the game with intense delight, shouting approbation for each scientific and skilful throw."

So it was that these men who had now laid the foundation of a State could turn to lighter things, and for the time be

boys again. They were familiar with privation and exposure, and with the severest trials. They were accustomed to be prepared to meet sudden and unforeseen danger. They were ready at all times to face the gravest responsibilities, and yet when the business that was in hand was done, the long years that had intervened since boyhood, and all the hardships and trials they had brought with them, faded away and became as though they had not been.

The memorial which the convention had adopted was promptly sent to Washington with a letter to Governor Lane, who was now territorial delegate from Oregon at the national capital, asking that he would give it his cordial approval and support. It was soon followed by a similar memorial from the Oregon legislature, approving and recommending the separation, the adoption of which Colonel Ebey had easily secured. These were laid before Congress by Delegate Lane, who gave them his hearty and vigorous support. There was now no slavery question to provoke discussion or opposition. Nobody called attention to, or seems to have thought of, the fact that the census, taken scarcely more than two years earlier, had shown only 1,049 people residing in the territory, or that the number now was scarcely more than three thousand. The bill met scarcely any opposition. During its consideration in the House, Representative Stanton of Kentucky had proposed to change the name of the new territory from Columbia to Washington, and this was immediately approved. No one cared to withhold this honor from the Father of His Country, and on the second of March, just as the thirty-second Congress, and Mr. Fillmore's administration, were drawing to a close, the bill passed and was immediately approved by the president.

The bill defined the boundaries of the new territory as including all of the present State of Washington, and all that part of Idaho and Montana which lie north of the forty-sixth parallel and west of the summit of the Rock Mountains.

Probably no territory was ever organized with a population so small as that of Washington at that time. The census taken by United States Marshal Anderson immediately after his arrival, showed a total of only 3,965 white persons. Minnesota, which was organized in 1849, was found to have a population of 6,077, by the census of the following year, and New Mexico, organized a few weeks later, had, in 1860, 61,547 inhabitants.

Soon after his inauguration, President Pierce nominated the officers for the territory. They were Major Isaac I. Stevens of Massachusetts, governor; J. Patton Anderson of Mississippi, United States marshal; Edward Lander of Indiana, chief justice, and John R. Miller of Ohio and Victor Monroe of Kentucky, associate justices; J. S. Clendenin of Louisiana, district attorney, and Major Farquarson of Texas, secretary. The latter did not accept the appointment, and Charles H. Mason of Rhode Island, who had been recommended by his admirers as a candidate for district attorney, was named. Justice Miller fell ill soon after his appointment and did not qualify, and O. B. McFadden of Pennsylvania, who had previously been appointed, through some mistake or misapprehension, to the judgeship in Oregon that Judge M. P. Deady was already filling ably and to the satisfaction of everybody, was assigned to the place.

The people along the Cowlitz, at Olympia and in the other settlements along the Sound, had hardly ceased to rejoice over the action of the Monticello convention, when

they began to be anxious about the fate of their territorial bill. Various letters had been received from Delegate Lane giving information in regard to its progress, and expressing confidence that it would become law, as there was but little opposition to it, but nevertheless the people were impatient. The end of the session was drawing near, and it might fail for want of time, or be thrust aside by the press of other legislation. The "Columbian" began to suggest the reassembling of the Monticello convention, or possibly a new convention, and recommended that people begin to think about the delegates they would send to it. In its issue of April 9th, a letter from Delegate Lane to Quincy A. Brooks is mentioned, in which confidence was expressed that the bill would soon pass the House. Since this information was in type a report had reached Olympia that the bill had passed and the territory was named Washington. A week later this news had been confirmed. The editor approves the name, but says public opinion on the subject is divided, some approving and some disapproving, "but all are gratified with the progress made." The next issue, on April 23d, contained the discouraging report, which "a solitary horseman" had brought to Olympia, that Congress had adjourned and the bill had failed for want of time. But again later and more reliable information had been received. The bill had passed and been approved by the president, and "a Mr. —— Stevens had been appointed governor." A hundred guns were fired in honor of the occasion.

By May 14th the full name of the new governor had been received, and letters from him soon followed, giving notice of his appointment, and the equally gratifying information that he was to make an exploration and survey for a Pacific

railroad, "from the headwaters of the Mississippi to Puget Sound," while on his way westward. One of these letters, addressed to Mr. A. A. Denny, contained assurance that this survey would not delay the organization of the territorial government, since a census must be taken before much else could be done, and the new marshal would go forward immediately to begin that work. This letter contained a copy of the new governor's instructions from the secretary of war, for making the railroad survey, and also this further information that was scarcely less cheering and assuring: "A military road is to be built from Fort Walla Walla to Puget Sound. Captain McClellan, an officer distinguished for his gallantry in Mexico, has command of the party who will make the exploration of the Cascade Range, and the construction of the military road. His undertaking the task is a sure guaranty of its accomplishment. I expect to pierce the Rocky Mountains, and this road is to be done in time for the fall's immigration, so that an open line of communication between the States and Sound will be made this year."

All this indicated that the new governor was a man of spirit and enterprise, and gave assurance that the development of what until now had been northern Oregon, would be urged forward by every impulse that a government and name of its own could give it. Still other letters, received by other prominent residents of the Sound country, contained information to the same effect, and all asked for the coöperation of those who received them.

The settlers were quite willing to endure any delay that might result from the important work to which the new governor had been assigned, in addition to those of chief executive of the new territory. A transcontinental railroad

was of all things most desirable, and they wished that everything that would hasten its construction might be done, however much other matters might be delayed in consequence. Besides there were now other things to occupy their attention. Some new offices had been or would soon be created, and as free American citizens they were to decide who should fill them.

Aspirants for these places appeared without hesitation. The redoubtable Michael T. Simmons was one of the first to announce himself as a candidate for delegate, and later James P. Johnson, Columbia Lancaster—"old Basaltic Formation"—G. N. McConaha, and still others appeared. A call for a Democratic mass meeting, signed by forty residents of Olympia and its neighborhood, was printed in the "Columbian," calling upon members of the party to meet and organize, and similar preparations were made by the Whigs, who, although realizing that they were likely to be in the minority, laid their plans to make a contest for every place to be filled.

In his letter to Mr. Denny, and perhaps in others, Governor Stevens had indicated that "a proper location for the territorial capitol" would need to be selected very soon after his arrival, and the inhabitants of several aspiring towns began to lay their plans to secure it. As the summer advanced this contest became rather sharp and interesting. It was particularly spirited between Olympia and Steilacoom, both of which were growing thriftily, and neither was much in advance of the other. The politicians of the time had not yet learned how to use this question to divide the votes of various localities on other, and sometimes less important, issues, and Olympia, being the center of the older community, won.

As soon as Governor Stevens could be assured that his appointment would be confirmed by the Senate, he began to make his arrangements to enter upon his new and varied duties. As governor of Washington he would also be superintendent of Indian affairs, and would be required to make treaties with an unknown number of tribes, about whom the government then knew but little. On his way to his new post he was to explore the northern route for a Pacific railroad.

No one could well have been better fitted or prepared than he was for what he now had to do. Born at Andover, Mass., March 28, 1818, he had been graduated, first in his class, at West Point in 1839, and was immediately assigned to the engineers, with the rank of second lieutenant. He had won distinction in the Mexican war, both for his ability and courage. He had been severely wounded at the taking of the city of Mexico, and at the close of the war had attained the brevet rank of major. He had then superintended the fortifications on the coast of New England until September 1849, when he was given charge of the coast survey office in Washington, a position which he held at the time of his nomination to be governor. In addition to the education and experience which was so well calculated to prepare him for the duties of organization and administration which he was about to assume, he had ability of a high order, and above all he had enterprise and an almost unlimited capacity for work.

He entered upon the preparation for his varied undertakings with the enthusiasm which distinguished all his after years. So far as he was able to do so, he selected the army officers who were to assist him in his railroad survey, and secured their assignment to that work. He also supervised

the preparation of his instructions, both for the survey, for the work he was to do for the Indian office, and as governor. These were to be prepared in the three departments of war, the interior and of state, to the three heads of which he would be required to report. He had been long enough in Washington to know that the new secretary of war, Jefferson Davis, and most other Southern men of influence, in the cabinet and in Congress, were not favorable to the northern route for a railroad, and would be likely to do what they could to render his exploration work of as little value as possible, and so far as possible he prepared to meet that opposition. He was to find very early in his experience that his preparation had been made none too carefully.

In order to complete the railroad survey in a single season, he arranged to send a party to the coast, by way of Panama, to begin work at the western end, while he himself with another party would begin at the Mississippi. To command the western party he chose Captain George B. McClellan, who like himself had graduated with high honors from West Point, and distinguished himself in Mexico. With his own party were Captain H. W. Gardner, Lieutenants F. W. Lander—afterwards a major general during the civil war—A. J. Donelson, John Mullen, Beekman du Barry and Cuvier Grover, besides a competent corps of scientists, artists and draughtsmen.

The eastern party left Fort Snelling early in June and, under the inspiration of the governor's own activity, pushed rapidly westward, exploring a wide range of country, across what is now Minnesota and the Dakotas, and thence up the Missouri to Fort Benton, which was reached on the first of September. Here the wagons were abandoned and

EARLY OLYMPIA.

The date of this early picture of the capital city is not definitely known, but it was probably made some time between 1860 and 1865.

carefully.

MARKET

the exploration was continued with a pack train only, to carry its supplies. The Rocky Mountains were crossed by following the course which had led Lewis and Clark over them forty-eight years earlier, and Fort Colvile was reached on October 18th. Near this place Captain McClellan met them. That "vigorous and energetic" officer, after a leisurely trip to the coast, and making most elaborate preparations, according to his habit in after life, had found his way over the Cascade Range by a road which the settlers had opened with their own hands, while he was getting ready to expend the $20,000 which Congress had appropriated for the purpose, and advanced some two hundred miles through a country which offered little resistence to travel except by its sagebrush, while the governor's party had been coming sixteen or seventeen hundred miles, and a large part of the way through a mountainous and difficult country. It may be added here that during the winter McClellan was assigned, at his own suggestion, to explore the Snoqualmie Pass, but without going to the summit he returned with the information that he had learned from the Indians that the snowfall was so great there, during the winter months, as to make it entirely impracticable for a railroad.

As the season advanced the people at Olympia began to make preparations to give the governor and his party a suitable reception when he should arrive. They did not know just when to expect him, and as things then were they had little hope of learning of his approach, much in advance of his arrival, unless he should himself send word to them, as he might do if he cared to receive any special demonstration, or ceremonious welcome. He happened to be a man who cared little for such idle display. Had he so

wished, or had he even given opportunity for it, he might no doubt have been met at the Cowlitz or the Skookum Chuck by a committee of citizens, or he could have come by way of Fort Steilacoom and had a military escort accompany him to the end of his journey, but he had nothing of the kind. He rode into Olympia in the evening of November 26th, accompanied by a few members of his party, and drew rein at the Washington Hotel, of which Edmund Sylvester had formerly been "the gentlemanly proprietor," but where Mr. Stanley now ruled in his stead. A heavy rain was falling at the time, and the party were much bedraggled in consequence but the citizens gave them little opportunity to make preparations for their welcome. Although the committee of arrangements were taken by surprise, at the moment, the people flocked to the hotel, and within half an hour, according to the "Columbian," its principal room was thronged with them. One flag was displayed from the liberty pole, and another from the roof of Kendall & Co.'s store; the small but well-voiced cannon, which had already done service in expressing the satisfaction of the Olympians on other occasions of importance, was brought out into the main street, where a hundred guns were fired, and "the governor was received," as Editor Wiley assures us, "almost literally into the arms of a warm-hearted, patriotic people, in the rough garb of bold and adventurous American freemen." A brief address of welcome was made by Editor Wiley, to which the governor replied, with almost equal brevity, and almost every sentence was received with applause. He said that the work which he had just completed had demonstrated that a transcontinental railroad was entirely practicable. Two passes had been explored through each of the three ranges of mountains that intervened between the headwaters of

the Mississippi and Puget Sound, and a road could be built and operated through either of them. He saw no reason why such a road might not be built at an early day. The great roadstead of Puget Sound lay on the direct route of Asiatic commerce, and it would soon be filled with the ships which were to carry on the trade of the new continent with the old. "I have already seen much of our territory," he said in conclusion, "and am convinced that it is to play no secondary part in the future progress of the country."

All this was most gratifying to everybody present, and was heartily applauded. The other officers of the new government present, several of whom had arrived much earlier, by way of the isthmus and San Francisco, were then called for, and Judge Monroe, Marshal Anderson, Chief Justice Lander and Secretary Mason made short responses. Colonel W. H. Wallace of Steilacoom, a Whig candidate for delegate, who was also present, was called out and assured the governor that the whole people joined heartily in the welcome tendered him.

The next issue of the "Columbian" appeared as the "Pioneer," and announced that it would henceforth be a Democratic paper, all of the Whig interests in the nonpartisan "Columbian" having been purchased by Democrats of the most orthodox kind. In announcing the change it took occasion again to review the progress made since its first issue, noting particularly the organization of the new territory, and the completed exploration for a Pacific railroad, which there was now so much reason to believe would soon connect the Sound with the Eastern States. "All this has been completed in little more than one short year. Who can anticipate the future of our territory?"

The marshal had now completed the census he had been required to take, and had found the population of the territory to be distributed as follows:

COUNTIES.	POPULATION.	VOTERS.
Island,	195	80
Jefferson,	189	68
King,	170	111
Pierce,	513	276
Thurston,	996	381
Pacific,	152	61
Lewis,	616	239
Clarke,	1,134	466
Total,	3,965	1,682

Clarke County being the ancient seat of the Hudson's Bay Company, and nearest the Willamette Valley, for which most of the emigrants had set out, and through which all of them had passed, until the Cascade road was opened, naturally had the largest population. It was most accessible to the settlers, and many of the Hudson's Bay employees had taken claims there. Thurston County, in which the Simmons party had fixed their homes, and to which they had done much to induce others to follow them, was next. The Hudson's Bay stations on the Cowlitz and at Nisqually had helped to populate Lewis and Pierce counties, because they furnished the settlers a convenient place to procure supplies, and many of their employees, as their terms of service expired, took claims there.

On passing the summit of the Rocky Mountains, the governor arrived on the eastern border of the new territory, and he had immediately issued his proclamation, dated

September 29th, assuming his authority. Two days after his arrival in Olympia he issued another appointing Monday, the 30th day of January 1854, as the day for holding an election to choose a delegate to Congress, nine members of the Territorial Council and seventeen members of the House of Representatives. The territory was also divided in judicial districts, of which Clarke and Pacific counties composed the first, Lewis and Thurston the second, and Pierce, King, Island and Jefferson the third. The times and places for holding court in these districts were also fixed, and Olympia February 27th was designated at the place and time for the meeting of the first territorial legislative assembly. From time to time thereafter, as occasion required, other proclamations followed, designating election precincts and making such other announcements as occasion required.

While the people were preparing for and holding the election, the governor and those who had assisted him in his railroad work set about preparing his report, with the maps and illustrations to accompany it. This was a considerable undertaking, but it was carried forward with industry, and when completed was published by the government in three quarto volumes, admirably illustrated, making one of the most complete and valuable reports of the kind which had, up to that time, been made or published. Its value is indicated by the fact that the Northern Pacific was, more than a quarter of a century later, located and constructed, throughout practically its entire length, on the line which this reconnoissance had shown not only to be practicable, but the most favorable in the region explored.

Those who aspired to places in the territorial legislature, or to represent the new territory as its delegate in Congress, and their friends and admirers were already actively engaged

in their campaign work, and as soon as arrangements could be made the nominating conventions were held. As the Democrats were then in the ascendancy, most interest was manifested in their work. Their first territorial convention was held at Cowlitz Landing. Up to the time of its assembling G. N. McConaha, who had now removed from Olympia to Seattle, was one of the leading candidates for the nomination as delegate, and would probably have won, but just as the delegates were assembling, copies of California papers were received, containing some accusations of a serious nature, which he realized he could not effectually refute without sending to Sacramento, where he had lived for a few years, for evidence. This would require time and might imperil the success of his party, and he accordingly refused to continue the race. He was made chairman of the convention, as he had been of that which sat at Monticello, a year earlier, and prepared the memorial which had secured the division of the territory. When it was proposed to follow the two-thirds rule, then and still popular in democratic conventions, he left the chair temporarily and made a ringing speech against it, and it was defeated. More than one ballot was necessary to secure even a majority, and when at last Columbia Lancaster was nominated, with only two votes more than those given to his competitors, McConaha advanced to the bench on which he was sitting and facing him, but addressing the convention, recited Timothy Dwight's famous poem commencing:

"Columbia, Columbia, to glory arise!"

with most dramatic effect. McConaha was a man of parts, and a very eloquent and effective speaker, and would easily have won a position of commanding influence in the territory, had he not met an early and untimely death. The

COLUMBIA LANCASTER.

Washington's first delegate in Congress. He was one of the earliest settlers north of the Columbia River, and the first patent issued by the government under the donation land act, was issued to him and his wife.

Timothy Dwight's famous poem commencing:

"Columbia, Columbia, to glory arise!"

entire poem of six stanzas was listened to by the convention with the attention that every speaker regards as the fullest evidence of approval, and at the conclusion received hearty applause.

Colonel W. H. Wallace was nominated by the Whigs, who held their convention at Olympia. There were several contestants for the nomination, but Wallace, who had only arrived in the territory that year, won it. He was a lawyer of no mean ability, and had held several places of trust and prominence in Iowa, the State from which he came to Washington.

The campaign was conducted with the spirit naturally to be looked for, following the activity with which it had been begun. Lancaster was elected, receiving 698 votes to 500 cast for Wallace. Simmons, who ran independent, in spite of the fact that he had sought the nomination from the Democrats, received only 18 votes. This Bancroft attributed to his lack of education,* though it seems more likely to have been nothing more than the result which frequently and very naturally follows, when an individual, though personally popular as Simmons always was, seeks to win votes as an independent candidate, after having been defeated in a convention of his party. He felt his defeat keenly, and is said to have regarded it as the beginning of the misfortunes by which he lost most of the property he had early accumulated on the Sound.

* Both Evans and Bancroft say that Simmons could neither read nor write, but there are in the old letter files of the Puget Sound Agricultural Company, now owned by Mr. Clarence B. Bagley of Seattle, several letters apparently written and signed by him. Both the body of the letters and the signatures are in the same handwriting, and they are all in the same handwriting, which would not be likely to be the case if he had required to have his letters written by another. The letters are still entirely legible; the writing is regular and the spelling generally

While the people were busy with the election, the governor was actively at work with matters of equal importance. Colonel M. T. Simmons was appointed agent for the Puget Sound Indians, with B. F. Shaw and Orrington Cushman as interpreters and assistants, and they were sent to visit the several tribes, hold conferences with their chiefs, and obtain such information in regard to their numbers, habits and relations with neighboring tribes as would be indispensable when the time for treaty making arrived. A. J. Bolon was also appointed agent for the tribes east of the Cascades, and William H. Tappan for the south tribes living along the Chehalis, Shoalwater Bay and the Columbia, and both were instructed in regard to their duties.

Having thus done all that could be done at the time to organize the Indian service, and to get the territorial government in operation; having apportioned the work of preparing the report of his railroad survey among his assistants, and got it well started, and having dispatched Captain McClellan to explore the Snoqualmie Pass and make an investigation of the east shore of Admiralty Inlet, as far north as Bellingham Bay, and A. W. Tinkham to examine the Nachess Pass, which Lieutenant Lander had not explored as he had been directed to do, the governor determined to make a tour of the Sound, get acquainted with the settlers on its shores and islands, meet and confer with the Indians when possible, and generally to acquire such information as was

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accurate. They are certainly not the letters of an illiterate man. Simmons was employed by Stevens as Indian agent and in other capacities, where one who could not write would seemingly be of little service, and although Evans is almost always to be relied on—always in fact where there was a record to rely on—and notwithstanding the fact that he knew Simmons personally, and almost intimately, for a number of years, he seems in this case to have been mistaken.

certain to be useful. Accompanied by Mr. George Gibbs, the scientist, he set out in a small sailboat called the Sarah Stone and, although the weather was inclement, he made a complete tour of the lower Sound, stopping at Steilacoom, Seattle, Skagit Head and Penn's Cove on Whidby Island, the mouths of the Skagit and Samish rivers, Bellingham Bay, and then making an excursion among the San Juan Islands, by way of the Rosario and De Haro straits, went to Victoria, where he met Governor Douglas and had a conference with him in regard to the interests of the Hudson's Bay Company in Washington, and their relation to the government of the territory and nation. Returning he called at Port Townsend, and later paid a visit to the coal mines east of Seattle.

After reaching Olympia he prepared a report on Hudson's Bay affairs. He had now visited all of the Company's forts and other properties in Washington except Fort Okanogan, and personally examined them, having come west from Fort Colvile to Olympia, by way of Walla Walla, the Dalles, Vancouver and the Cowlitz, and he estimated their value at not to exceed $300,000. He recommended that a commission be appointed to adjudicate the Company's claims, and that an appropriation be made for that purpose. This report was addressed to the secretary of state, who approved it, and it was laid before Congress. A bill making the provision recommended was immediately prepared and passed the Senate during the following session, but failed in the House. Settlement was delayed for many years and when finally made, long after Governor Stevens' death, cost the government more than twice the amount he had estimated, though far less than the Company had by that time made claim for.

Chapter XLII.

THE FIRST TERRITORIAL LEGISLATURE.

ON THE day appointed by the governor's proclamation, February 27, 1854, the first territorial legislature assembled in Olympia. The "Pioneer" gives the interesting information that the average age of its members was only twenty-eight years; that ten of them were farmers, seven lawyers, four mechanics, two merchants, two lumbermen, one civil engineer and one surveyor.

The place of meeting was on the second floor of a plain two-story frame building fronting the bay, near the foot of Main Street. The first floor was occupied as a general store by Parker, Coulter & Co., and the legislative chambers were reached by a stairway on the outside.

"Let us take a look into that unpretentious little frame building," says Hon. W. H. Struve, in his address to the Washington Pioneer Association in 1886, and the picture as he had drawn it can scarcely be improved. "In a little dingy room, known as the Council chamber, we see the nine pioneer members of the Council, presided over with impartiality, ability and dignity by Hon. George N. McConaha, the gentleman from King and Pierce—a young man of fine legal training and quick wit and rare eloquence, and a resident of Seattle, who met a sad death by drowning, on his way home in a canoe, with Captain Barstow and a party of Indians, between Alki Point and Vashon Island, leaving a widow and two little children to mourn his tragic death. In front of him sits Elwood Evans, chief clerk, as efficient and prompt in this place as in every other station which he was ever called upon to fill.

"Arranged around these functionaries, in a semicircle, we see Daniel Bradford of the Cascades, a sharp, keen-sighted business man, who built the first wooden track

railroad over the Cascade portage, and afterwards long connected prominently with the Oregon Steam Navigation Company. He emigrated to New York, with a large fortune, early, about 1865, lost what he had made, and died comparatively poor.

"Next is W. H. Tappan, engaged in farming on Lewis River, opposite St. Helens, an Englishman, a painter and an artist of no mean merit, who moved to Pike's Peak during the first Colorado gold excitement, and died a few years since at Denver.

"Then comes Seth Catlin, the sterling old Jeffersonian Democrat, the sage of Monticello, which place he named after his distinguished prototype—a man of strong common sense, who died some twenty years since on the Cowlitz River, leaving to his numerous progeny an honorable name.

"And here is Henry Miles—Private Henry Miles, who, during the Indian war, valiantly held the fort, with Sergeant Packwood, at the crossing of the Nisqually River, who is still alive and robust in health and spirits, a leading and prominent citizen of Lewis County, identified with all her interests, a bedrock Democrat and full of incidents and reminiscences of pioneer life.

"Next comes D. R. Bigelow and B. F. Yantis, representing Thurston County, both intelligent and conscientious and upright citizens and legislators; the former living, the latter dead.

"Then there is Lafayette Balch, an old mariner, and the founder of Steilacoom, long since dead; and William P. Sayward, the original projector and builder of the Port Ludlow mills, yet reported to be living in San Bernardino County, California.

"Strolling into the room styled, by courtesy, the Hall of Representatives, we find the deliberations of the House

presided over by Francis A. Chenoweth, as speaker, a man of fine ability, afterward a chief justice of the supreme court, and still living, I believe, at Corvallis, Oregon, engaged in the practice of his profession.

"Benjamin F. Kendall, a man of extraordinary talents as a lawyer, the first superintendent of Indian affairs under President Lincoln, is the chief clerk. He was murderously shot to death in his office in Olympia in 1862, for words editorially spoken by him in the 'Overland Press.'

"King County is represented by Hon. Arthur A. Denny, our honored fellow citizen, whose name is the synonym of probity and honor, who, in his official capacity of late years as register of the Olympia land office, and as delegate to Congress, chosen in 1865, served his country faithfully and well, and who enjoys the merited esteem of all his acquaintances.

"The leader of the Thurston County delegation is Calvin H. Hale, still hale and hearty, a man of level head and business ideas, who has frequently since been honored by the suffrages of the people; who served as Indian superintendent under Lincoln, and who is a true type of an American citizen. His colleagues are David Shelton, still living at Shelton's Point, in Mason County; Ira Ward, residing at Tumwater; and L. D. Durgin, who died a few years since at Puyallup.

"Island County sends Samuel D. Howe, also a man of affairs and sterling parts, for many years Indian agent and assessor of internal revenue in the territory, now residing at Port Townsend.

"From Clarke County there was J. A. Bolon, who, while Indian agent, was foully murdered by the Yakima Indians, in 1855, and whose death produced the terrible Indian war

which devastated this territory for the next eighteen months. John D. Biles, also from Clarke, and in 1850 speaker of the House, is now living in Portland, Oregon, connected with the Oregon Railway & Navigation Company as tax agent. Henry R. Crosby, also a useful and influential member, and a celebrated justice of the peace in Whatcom County during the famous San Juan controversy, and who afterwards moved to Utah, now, I believe, still lives in Washington City. The remaining member from Clarke is A. Lee Lewis, a plain but intelligent farmer on Lewis River, a native of the Red River of the North, and long since dead.

"Pierce County sends L. F. Thompson, a well known, prominent and public-spirited citizen, and now a successful hop grower in the Puyallup Valley; Henry C. Mosely, afterward the first register of the land office, long since dead; and John M. Chapman, still living at Olympia.

"From Jefferson County we find Daniel F. Brownfield, who, I believe, is living yet in King County, somewhere on the shore of Lake Washington.

"And last, but not least, the old county of Lewis sends H. D. Huntington, one of the patriarchs of the numerous Huntington family, pioneer settlers on the Cowlitz River, who by their thrift, industry, intelligence and patriotism, have set a worthy example for others to emulate and follow; and also John R. Jackson, the first clerk of the district court in Lewis County, the noble-hearted pioneer, who, at his house at Highlands, used to dispense hospitality with a lavish hand to the weary traveler, on that worst of all bad roads, which used to connect Olympia with the Columbia River."

By a strange succession of sudden deaths Pacific County was left without representation in this legislature, through

practically the whole session. J. L. Brown, one of the candidates, died just before the election, and Jehu Scudder, who was nominated in his place, was elected but died before the legislature assembled. Henry Feister was chosen to fill the vacancy thus made, as soon as a special election could be held, and made all haste to reach the capitol, which he did on March 29th. He was sworn in and took his seat, but that evening, while talking with a friend, was stricken with apoplexy and died almost immediately. As there was not time to elect another member before the legislature would adjourn, the seat remained vacant to the end of the session.

As soon as the legislature was organized Governor Stevens sent to it his first message. It was an admirable state paper, showing that he had employed the scant three months, since his arrival in the territory, in industrious efforts to ascertain its needs, and in studiously considering what it was best to do or have done, to advance its interests and promote its welfare. Trained as he had been throughout his whole life in employments where energy was not required, and enterprise but little appreciated, it is not a little surprising that he should in so short a time be able to exhibit so much knowledge of the physical characteristics, and the material and political needs of the territory, as are shown in this document, and that he should be prepared to suggest so much that might be done, and such admirable ways of doing it.

The people of a new territory have much to hope for from the general government. Being few in numbers, they can accomplish but little themselves, while their needs are great. The people of Washington, at that time numbering barely 4,000, and occupying a most remote position on the frontier,

had special and urgent need for the attention of Congress, and the governor and its legislature could render them no better service than by the judicious preparation of memorials presenting their most urgent necessities.

The governor's work in exploring a route for a railroad across the continent, and the anxious care he had taken to make his exploration as complete as possible; the special examinations he made, or tried to have made, of the passes through the mountains; the work already done by the settlers on the Cascade road, as well as the observations he had been able to make since his arrival, had given him a fairly comprehensive knowledge of the roads that would be first and most urgently needed, and realizing, as he certainly did, the need of roads for the advancement of settlement, he recommended that memorials be prepared asking for aid in completing a road from the Columbia River at Vancouver to the Sound, and thence along its eastern side to Bellingham Bay. Outside the territory, but urgently needed for its development, was a grander road which could be built only by the government, extending from the head of navigation on the Missouri River to the Columbia at Walla Walla, where it would connect with the road, which had already been provided for from that point to Steilacoom. The mail service ought to be improved; the land laws should be extended to the territory; a surveyor general should be provided for it, and liberal appropriations made for surveys; the Indian title to lands which the settlers were already appropriating and improving ought to be extinguished, and as yet no arrangement had been made to extinguish that title to lands east of the Cascades; an amendment of the donation law, so as to authorize a commutation by paying the minimum price for the lands, or by making improvements

equal in price to that minimum, should be asked for, with a proviso that the right to acquire or commute should be exercised but once; also that single women should be placed on the same footing as those who were married. He urged the need for geologic and geographic surveys, and for an appropriation to continue and complete the survey of the northern route for a railroad. Congress ought to promote the building, simultaneously, of railroads across the continent both to the great harbor of Puget Sound and that of San Francisco, if a practicable route was found for the latter. Of the practicability of the former he had no doubt. "I am firmly of the opinion," he adds, "that these great undertakings should be controlled and consummated by the people themselves, and every project of a government road should be discountenanced."

The enactment of certain laws obviously necessary for the establishment of government was suggested, and in order that the territory might be provided as speedily as possible, with as complete and perfect a system of statutes as could be devised, he recommended that a commission be appointed to draft the necessary acts and submit them for the consideration of the legislature. There was need to create several new counties at once, and to change the boundaries of some of the old ones; to appoint county offices and provide regulations for the conduct of county business; for an election law and a militia law, and, as to the latter, he made several suggestions as to what would be requisite, or desirable, in the creation and regulation of a force for which the territory and its people might, at any time, have most urgent need. Unfortunately this recommendation was neglected at this session, and the people were soon to have occasion to regret it most seriously.

The message strongly recommended the immediate settlement of all claims which the Hudson's Bay Company or the Puget Sound Agricultural Company might prefer for such property or possessory rights as they might be found to have in the territory, and he suggested a legislative investigation, and report, as to the probable value of these claims, and a recommendation as to the method to be pursued to remove these companies from the territory. He advised the legislature that these companies would no longer be allowed to trade with the Indians in the territory, and that notice had already been given to that effect, under instructions from the secretary of state, and that the Hudson's Bay Company would be allowed until the first of July following to wind up its affairs on this side of the boundary. After that time the laws regulating intercourse with the Indians would be rigidly enforced.

The legislature was also informed of the appropriation of $5,000 made by Congress for a territorial library. This appropriation the governor had already expended in the purchase of books, many of which he had personally selected before starting west, and arranged to have them forwarded by sea. He had also corresponded with many learned societies, and with the proper parties in all the States and territories in regard to their publications, and had arranged to have many of them contributed to the library.

The message concluded by urging the legislature to provide "a system of education which shall place within the means of all the full development of the capacities with which they have been endowed. Let every youth, however limited his opportunities, find his place in the school, the college, the university, if God has given him the necessary gifts. A great champion of liberty said, more than two

hundred years ago, that the true object of a complete and general education was to fit a man to perform justly, skilfully and magnanimously, all the offices, both private and public, of peace and war. Congress has made liberal appropriations of land for the support of schools; and I would recommend that a special commission be instituted to report on the whole school system. I will also recommend that Congress be memorialized to appropriate land for a university."

Nearly all the recommendations and suggestions of this able message, except that pertaining to the militia, were accepted and followed. The appointment of a commission to draft such acts as were most necessary, was approved and the commission provided for by the first act of the assembly, and Chief Justice Edward Lander, William Strong, late associate justice in Oregon, and Justice Monroe, were appointed. Wiser selections could not have been made. These commissioners were already trained in the law, familiar with its forms, and experienced in its administration. They knew better than anybody else then in the territory could know, what would be required to set up a government, maintain public order, provide for public improvements, establish courts and regulate the practice in them; to create counties, and make the varied regulations required for the guidance of their officers; to define crimes and various offenses, and prescribe their punishment, as well as to provide for levying, collecting and disbursing a revenue. They knew also how to avail themselves of the experience of others in establishing similar governments, and to choose what was best from what had already been put to the test of experience; and they knew how to put all these things in form, so that they would conform to the organic law, and stand the test of administration.

As the people were already more familiar with Oregon laws than any other, it was desirable to adopt them so far as possible, but as they were in some confusion, owing to the inexperience of its legislature, in adopting from other territories the laws with which they were most familiar, these commissioners followed the code of New York, with occasional changes adopted from those of Indiana and Ohio, the States from which two of the commissioners had been appointed.

The organic act provided that the session of the legislative assembly should not extend beyond one hundred days, but at the end of sixty-four days this first legislature had completed its work, and its members were ready to return to their homes. In this short time they had, with the help of the commissioners, prepared and adopted a fairly complete code of civil procedure, a criminal practice act, a probate law, a general election law, together with nearly all the other statutes necessary for conducting and regulating the business of a territory, and so well had their work been done that Elwood Evans, himself a lawyer of no mean ability, says of it, that "it substantially continued the great body of the statutory law of Washington, throughout its territorial existence. The innovations made by subsequent legislatures upon that collection of laws—uncodified because each subject matter must be confined to a separate enactment, but regarding each act as a chapter, rather than a code—under the guise of so-called amendments, in no way improved the very creditable system, which had emanated from those two vigorous legal minds and learned jurists, Edward Lander and William Strong."

The legislature also created a number of new counties, and changed the boundaries of some of the old ones, or

defined them more particularly. Cowlitz County was set off from the southeastern side of Lewis County, and the northern part of Clarke County, but extended east only to the first range line east of the meridian.

A few days later Wahkiakum County was set off from the eastern part of Pacific and the western part of Cowlitz counties, as the latter had been created only a few days earlier. Jefferson County was divided by an east and west line, and its northern part erected into a new county called Clallam.

Skamania was cut from the eastern part of Clarke and Lewis counties. Its western boundary began on the northern bank of the Columbia "at a point due north of 'Rooster Rock'" on the southern bank of the river, and running "thence north to 46° 30′ north latitude, thence along said parallel east to the Rocky Mountains, thence along the base of the Rocky Mountains to the southeastern corner of the territory of Washington, and thence down along the boundary line of Oregon to place of beginning." Its county seat was located "on the southeastern corner of the land claim of F. A. Chenoweth at the Cascades."

Whatcom County was cut from Island County. Its boundary began "at the northern point of Perry's Island; thence east to the summit of the Cascade Mountains; thence north along the summit of said mountains, to the international boundary line; thence west along said line to the Canal de Arrow (de Haro), through the middle of the channel of the Canal de Arrow, to the Straits of Juan de Fuca; thence through the straits and the mouth of Ringgold's Channel, to the place of beginning." The county as thus bounded included San Juan Island, which Governor Douglas was already preparing to claim, or had claimed

as British territory, and it was through the administration of the county's business that the claims of the United States and those of Great Britain to this island finally began to be brought to an issue.

A new county was also cut from the northwestern part of Thurston as it then existed, and named Samamish. As originally created it extended to the ocean. Its name was subsequently changed, after the death of Secretary Mason, and it became, and still remains, Mason County. The original name was that of a large Indian tribe then occupying the country west of Budd's Inlet.*

Chehalis† County was taken from the southwestern part of Thurston and included all the western portion lying south of Samamish County.

Walla Walla County was the last of the eight counties created by this legislature. Its western boundary began at a point on the northern shore of the Columbia, opposite Des Chutes River, and included all of eastern Washington, and all of northern Idaho and Montana that then formed a part of the territory, that part of Skamania County lying east of the boundary thus described being also included in it. There were, at the time this county was created, but few settlers in all the vast region included within its limits, and these were mostly people who had been employed by the Hudson's Bay Company. Governor Stevens had found

* Bancroft thinks the Indian name should be Suquamish but L. D. W. Shelton, son of David Shelton, who came to the county with his father in 1851, and resided there for more than fifty years, in which he acquired an intimate knowledge of the Indians and their names, as well as their customs and habits, says it should be Sa-hah-mish.

† This is one of the few western Washington Indian names, which has, or is supposed to have, a meaning. It is said to mean "sand," and the Indians applied it to the river because it had many sandbars in it at low water.

EARLY CATHOLIC MISSIONARIES.

The figures in this engraving are Father Chirouse (the one with a cane) who served in both eastern and western Washington—while seated beside him is Father F. X. Prefontaine, the last survivor of the

ther Chirouse is Father Lafleche, and the st[illegible] nding figure is Brother McStay, a lay missionar

the country west of Budd's Inlet.*

customs and habits, says it should be Sa-hah-mish.

water.

two of these, named Bumford and Brooke, occupying Whitman's old farm at Waiilatpu, while south of the Touchet were "many more farms, mostly occupied by the retired employees of the Hudson's Bay Company." About thirty miles from Walla Walla Father Chirouse, with two laymen, had established a mission, and were engaged in teaching the Indians.

As in the case of the other counties, commissioners and county officers were appointed for this county, by the act creating it. George C. Bumford, John Owens and Dominic Pambury were named as commissioners; Narcisse Raymond, sheriff; and Lloyd Brooke, probate judge; but none of these officers qualified. The county also was allowed two representatives in the legislative assembly, but none appeared from it at its next session, no election having been held. The county seat was established "on the land claim of Lloyd Brooke," and at the next session he was appointed county auditor and county treasurer, in addition to his duties as probate judge. It was not until the fall of 1858, after the Indian war, that settlers began to enter this part of the territory in sufficient numbers to organize a county government. On the 10th of January 1859 officers were appointed for it, and on the 15th of March succeeding, a quorum of the commissioners named in the act met and appointed the officers necessary to carry on a county organization. At the July election in 1859, county officers were elected for the first time. The county seat was then called Steptoeville, for General Steptoe, but on the 7th of November 1859, the commissioners changed this name to Walla Walla,* and designated it as the county seat.

* This name is thought, by the Rev. Myron Eells, to come from "Walatsa," a Cayuse and Nez Perce word, meaning rippling water. Another

Some important joint resolutions were also passed at this session, asking Congress to create certain necessary ports of delivery; to establish a marine hospital; to build lighthouses at certain points where they were already urgently needed; to make the salary of the collector of customs at Olympia equal to that of the collector at Astoria, and to reimburse Balch and Collector Moses for the expenses incurred in the rescue of the goldhunters shipwrecked on Queen Charlotte's Island in 1851. Another joint resolution asked Congress to recognize the manhood of George Bush, the colored man, who had been a member of the first party of settlers to arrive on the Sound, but who, as the laws then were, was not entitled to the benefits of the donation act. This resolution was unanimously adopted, and at the following session of Congress a special* act was passed, confirming to him the section of land which he had taken almost ten years earlier, which he had industriously cultivated ever since, and the produce of which he had so largely devoted to the relief of his fellow settlers. Two years earlier the Oregon legislature had passed an act exempting George

authority thinks it means "valley of water." It seems more likely to be a purely onomatopoetic word, like gurgle, suggested by the sound of rippling water.

*AN ACT FOR THE RELIEF OF GEORGE BUSH, OF THURSTON COUNTY, WASHINGTON TERRITORY.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the claim of George Bush to six hundred and forty acres of land in Thurston County, Washington Territory, in virtue of his early settlement, continued residence and cultivation, as set forth in the memorial passed on the seventeenth of March, eighteen hundred and fifty-four, by the legislative assembly of the Washington Territory, be, and the same is hereby, confirmed—the one-half to the said George Bush, and the other half to his wife; and it shall be the duty of the surveyor-general of the said Territory of Washington, to designate and set apart the quantity of land

Washington, a colored man, who had settled near Centralia, from the provisions of the law which forbade free people of color from settling in the territory. Washington subsequently acquired a considerable tract of land, and became a man of moderate wealth in his time.

This legislature also divided the territory into new judicial districts, fixed the terms of court in each, and assigned the judges among them. The counties of Walla Walla, Skamania, Clarke, Cowlitz, Wahkiakum and Pacific constituted the first judicial district, to which Associate Justice O. B. McFadden was assigned. Lewis, Chehalis, Thurston and Samamish composed the second district and Justice Monroe was assigned to it, but early in the summer of 1854 he was superseded by the appointment of Frances A. Chenoweth, who continued to hold court in the district until late in January 1855, when the legislature made a reassignment whereby Chief Justice Edward Lander was sent to the second district, and Associate Justice Chenoweth to the third. As originally composed, this district included the counties of Pierce, King, Island, Jefferson, Clallam and Whatcom, and the chief justice was assigned to it. On the rearrangement in January Justice Chenoweth and the chief justice exchanged places.

Even at that early day the territory had a treasurer and anditor, though their duties were not onerous, nor their

aforesaid, to embrace the residence and settlement of the said George Bush, according to the lines of the public surveys, and for the claim hereby confirmed, but not in such a manner as to interfere with any valid or adverse right, if any such exists, to any part of the land claimed as aforesaid; and upon the presentation of a certificate from the surveyor-general, designating the land which may be set apart under this act, a patent shall issue, if the proceedings are found regular by the Commissioner of the General Land Office.

Approved February 10, 1855.

responsibility great. The general government provided by appropriation for the salaries of the governor and other officers appointed by the president, and for the members of the legislature, but a territorial auditor and treasurer were to be appointed by the legislature. In accordance with this law, D. R. Bigelow was appointed auditor, and William Cook treasurer. Their accounts at the end of the first year showed that the treasurer had received only a few cents more than $5. Soon after their appointment, and probably before even this small sum had been received, the legislature, in consideration of the extra services performed by the district attorney, had passed an act for his benefit, directing the territorial treasurer to pay him "out of any money in the treasury not otherwise appropriated, the sum of $250, for services rendered as prosecuting attorney for the territory at the recent term of the district court." It also directed the secretary of the territory to pay the code commissioners who had prepared all, or nearly all, of the acts which they had passed, the sum of $10 per day, for the time they had been employed, and their clerks $7 per day. It also passed acts to incorporate the city of Steilacoom; the Cowlitz Steam Boat Company; Olympia Lodge No. 5 Free and Accepted Masons, and acts locating territorial roads from Steilacoom to Seattle; from Steilacoom to the county seat of Clarke County, then Columbia City; from Seattle to Bellingham Bay; from Olympia to Shoalwater Bay; from Cathlamet to the house of Sidney S. Ford in Thurston County; from Shoalwater Bay to Gray's Harbor, and thence to intersect a road from Shoalwater Bay; from Olympia to the mouth of the Columbia River; from Seattle to the immigrant trail, and from Olympia to Monticello.

The legislature also adopted a device for a territorial seal, which is said to have been prepared by Lieutenant J. K. Duncan of Governor Stevens' surveying party. It presented a rather portly young female in the foreground, apparently making a curtsy to the ocean, while she pointed with one well rounded arm to a glory above her head, through which appeared the Chinook word Alki, meaning by and by. An anchor at her side indicated that she was to be regarded as the goddess of hope. In the background were a settler's wagon and cabin, with a city in the distance, and around the whole were the words "Territory of Washington 1853."

Before the legislative assembly had been in session thirty days, Governor Stevens asked for and the legislature passed a joint resolution declaring that "no disadvantage would result to the territory, should the governor visit Washington, if, in his judgment, the interests of the Northern Pacific Railway survey would thereby be promoted."

The governor had been prompted to ask for the passage of this resolution by information he had received from Washington, that the influences he had from the first looked for to oppose any benefit from his railroad survey, were already at work and likely to render valueless all that he had done. He had already exceeded the appropriation provided for the work, and would be compelled to ask for an extra sum to meet the deficiency. This might be, and indeed subsequently was, made use of to discredit his work and, but for the fact that he was in Washington when the time came, would have been used to his own discredit also.

During all the time the legislature was in session, he and his assistants were busily engaged in preparing the report of this survey. Lieutenants Donelson, Lander, Arnold and

Grover, and Messrs. Gibbs and Tinkham, as well as Captain McClellan, who had been sent to look for other possible routes across the mountains, to explore passes in the Cascades, or to make special examinations that the main party had not been able to make as it came westward, completed their work—or failed in it as McClellan did—and arrived at Olympia. Lieutenant Mullan remained in the Rocky Mountains nearly all winter, during which he crossed the main continental divide six times, extending his explorations as far as Fort Hall, and traveling nearly a thousand miles. Tinkham completed the examination of the country between Walla Walla and the Nachess Pass, which Lander had been assigned to and abandoned, and these energetic assistants brought to headquarters, when they arrived, a mass of information much of which had been gathered at the most inclement season, and which was of the greatest possible value. As soon as it was reduced to writing, with proper maps and illustrations accompanying, it was forwarded to the secretary of war, who was none too well pleased with it, either because of its completeness or the favorable showing made.

In February the governor received a peremptory order from Secretary Davis, disapproving his arrangements, and directing him to disband his winter parties and bring his railroad work to a close. It was probably this order that led him to ask the legislature for the resolution above referred to.

The session was not yet half over, but his attendance upon its deliberations was not necessary. He had no power either to approve or veto its acts; these were all required to be submitted to Congress for its approval. So far as his duties as governor were concerned he could therefore be

absent from the capital with as little detriment to the public business then as at another time. He accordingly prepared at once to set out for the national capital.

Fortunately his railroad work had now been pushed forward so far by his great activity and industry, that all its greater problems were solved. There was much remaining that it would have been beneficial to do, but it was in the nature of details. That a railroad could be built without encountering insurmountable difficulties, from an engineering point of view, and operated without great increase of cost on account of an inhospitable climate and inclement weather, had been admirably demonstrated. The cost of this demonstration had been greater than was anticipated, and he had drawn drafts on Washington for some $16,000 in excess of the appropriation, and these had been or were likely to be dishonored. He therefore prepared to go east immediately in order to save his work and his drafts from discredit, if that were at all possible.

He left Olympia on March 26th, going by way of Portland to San Francisco, and thence by the isthmus to New York, where he arrived in May. At San Francisco much interest was expressed in the result of his railroad survey, and he was invited to deliver an address on the subject, which he did on the evening of April 13th, at the music hall in Bush Street. A large audience was present, and his description of what he had done was listened to with the closest attention, and as he contended that three roads should be built, if practicable routes were found for them, as he had no doubt would be the case, all that he said was applauded.

He arrived in Washington and submitted his report on June 30th; it was the first of all the reports from the transcontinental exploring parties to be received. But Secretary

Davis was in no kindly humor with this evidence of efficiency, or with the demonstration that this route was not only practicable but desirable. He had already permitted the governor's drafts to go to protest. He would give but scant attention to what he had to say, and finally, in laying his report before Congress, raised the estimate of cost of construction from $117,121,000 to $150,871,000, an increase of nearly $34,000,000; magnified the physical difficulties; depreciated the agricultural resources of the country; described that part of it west of the Rocky Mountains as one of general sterility, and declared that "the severely cold character of the climate throughout the whole route, except the portion west of the Cascade Mountains, is one of its unfavorable features."

He ignored Tinkham's report of a reconnoissance he had made in Snoqualmie Pass, but quoted McClellan's with approval, remarking that "his examinations presents a reconnoissance of great value, and though performed under adverse circumstances, exhibits all the information necessary to determine the practicability of this portion of the route."

The country which Jefferson Davis thus misrepresented and decried as one of "general sterility," has produced more than 30,000,000 bushels of wheat in a single year, besides oats, barley, hay and other crops in proportion, and it is still only partly under cultivation. Its seemingly most sterile part is already beginning to undergo a marvelous change. Under the influence of irrigation a wide area, which for centuries produced nothing but sagebrush, grease wood and the cactus, is now changing into a more fruitful region than the valley of the Nile, and will in time, be capable of supporting a population as dense as that of Belgium. In it all the fruits of the temperate zone are grown in perfection, and its

soil and climate are now known to be suited to the production of all the grains, fruits and vegetables usually found only in a much wider range, not only in abundance but profusion. By misrepresenting this country Mr. Davis succeeded, as he and others then wished to do, in retarding its development, but he and they could not altogether prevent it. The truth cannot be wholly suppressed; it finally triumphs, however it may be perverted, resisted or buried under volumes of misrepresentation. The smiling fields and bending orchards of eastern Washington, Oregon and Idaho, will annually, and for all time, rebuke the presumption of Mr. Davis in thus attempting, by idle words, to make their development impossible; and if he were living today he might well wish his misrepresentation of them might be forgotten. But this is not possible; the record of his error remains, and the error itself will become more and more conspicuous as time advances.

By the unfavorable comments, not to mention the misrepresentations, with which he submitted Governor Stevens' report of his railroad work to Congress, Secretary Davis also deprived the country of that immediate benefit that might and probably would have resulted from it.

This exploration was far more thoroughly and carefully made than any that had preceded it, and more fully reported. Had it been brought to public attention as favorably as Fremont's reports were, the improvements that did result from them might have followed much earlier. Not one of Fremont's expeditions were conducted with anything like the skill and energy that characterized Stevens' work, nor were any of his explorations made with anything approaching its thoroughness or completeness. And yet Fremont's

work was heralded to the world as something of surpassing importance, while Stevens' was belittled and, for a time, almost discredited.

Although the governor found his efforts in the interest of a railroad by the northern route balked and discredited, he did not abandon them. As no further appropriations for the survey could be hoped for, he resolved to continue the work, so far as possible, without them. He was still governor and Indian agent, and in the latter capacity he would be required to travel throughout the entire length and breadth of the territory, and thus would have opportunity to make further observations personally. There would also be some money appropriated for assistants, and by making judicious appointments of these assistants, he might secure much information that would be of service. This policy was pursued. Lieutenant Lander also continued the exploration, largely with means contributed by his brother, the chief justice, and the work thus done, without extra cost to the government, but purely by the voluntary efforts of Stevens and Lander, resulted in the collection of a vast amount of additional and valuable information, which was some years later embodied in two large volumes, published as one, Volume XII of the Reports of Transcontinental Railroad Survey.

While in Washington the governor was able to be of much assistance to Delegates Lancaster and Lane of Washington and Oregon, in securing Congressional action on the memorials which the legislative assemblies of both territories had presented. The donation law was amended in several important respects, and the provisions of the preëmption law extended to Washington. Two townships of land were appropriated to Washington for a university. The territory

was made a separate surveying district, and a surveyor general assigned to it. A large appropriation was made for extinguishing the Indian titles to land both east and west of the mountains, and Governor Stevens was appointed a special commissioner to treat with the warlike Blackfeet and other tribes, in what is now eastern Montana, and if possible make peace among them. For this purpose $10,000 was appropriated. The mail routes were also extended so as to give service for the first time to all the settlements on the Sound, and $30,000 was appropriated for a wagon road from the valley of the Columbia, via the Cœur d'Alene Mission, to Fort Benton.

Both delegates and Governor Stevens urgently advocated the passage of acts for marking the northern boundary, from the Lake of the Woods to the ocean, and for the creation of a commission to examine and determine the claims of the Hudson's Bay and Puget Sound Agricultural companies, but were not successful. Measures for both purposes passed one house but failed in the other.

Having accomplished this much, and Congress having adjourned, Governor Stevens prepared to set out for the West, this time with his wife and four children, the youngest scarcely two years old. Before leaving, however, he learned of some murders committed by the Indians during his absence, and on August 14th applied to the secretary of war for a thousand stands of arms, a hundred thousand cartridges and a few revolvers, to be deposited at Fort Steilacoom, and used to arm the militia, in case it should be necessary for the defense of the settlers. But these were refused, Mr. Davis holding that "the territory is not entitled to, and cannot be supplied with, arms, until the return of the effective militia therein is received."

Thus the settlers were to be left almost defenseless, when, little more than a year later, war with the Indians should break out. Had the first legislative assembly acted as promptly and wisely upon the governor's recommendation on this most important matter, as it did on most others, the secretary might not have been able to meet this most timely request with this curt refusal; certainly he could not have made it for the reason given, though possibly he would have found another.

The governor and his family sailed from New York on September 20, 1854, on an overcrowded steamer for Panama. They crossed the isthmus by the railroad, then only partly built, and by mules, horses, and in chairs carried on the backs of Indians, as the custom was in that day. From the isthmus to San Francisco was another tedious journey, requiring fourteen days, during which many of the passengers suffered from fever, and some died. The party were detained in San Francisco for a month by sickness, and then came by steamer to Portland.

The trip up the Cowlitz and across the country to Olympia was a trying one for Mrs. Stevens and her three little daughters, who were not accustomed to travel by canoes and batteaux, poled up stream by Indians, or on horseback, over roads that had never been more than trails, and were now made almost impassable for wheels by the rain. The weather was inclement throughout nearly the whole journey, as it was now November, but it was made by easy stages, after leaving the Cowlitz, the party stopping one night at John R. Jackson's and one at Sidney S. Ford's. The next afternoon just as "the day was closing dim," the tired travelers heard the welcome announcement: "There is Olympia." They were then at the "top of a little hill,"

Mrs. Stevens says, and that hill was at or near the spot where the Masonic Temple now stands. Before them lay a rather uninviting prospect—"a dismal and forlorn scene," Mr. Hazard Stevens says. "A low, flat neck of land, running into the bay; down it stretched the narrow, muddy track, winding among the stumps which stood thickly on either side; twenty small wooden houses bordered the road, while back of them on the left and next to the shore were a number of Indian lodges, with canoes drawn up on the beach, and Indian dogs running about."

This prospect could not have been a very inviting one to a woman who had grown up among the comforts of civilization, and had now left them for a time, not hoping to find a new and more comfortable and agreeable home, as the settler's wives had done, but to accompany her husband as her duty was. But the prospect soon brightened. "I remained three years at Olympia," says Mrs. Stevens, "a great part of the time living alone with the children, the governor being away, in all parts of the territory, making treaties with the Indians, planning and arranging the settlement of the country." Agreeable company was not altogether lacking. George Stevens, a relative of the governor, Secretary Mason and Lieutenants Arnold and Young, and Evans and Kendall, who had come on with the governor's surveying party, Major H. A. Goldsborough, George Gibbs, Colonel Simmons, Frank Shaw, Orrington Cushman and Major James Tilton, the new surveyor general and his family, when they arrived, were all agreeable people; there were frequent visits by the officers and their wives from Fort Steilacoom, and the settlers and their wives and daughters were untiring in their attentions. Mrs. Stevens says:

"I had a horse to ride on horseback across the lovely prairies. Almost daily I took a ride about the picturesque, beautiful country, with the rich, dense forests and snowy mountains, green little prairies skirted by timber, lakes of deep, clear water, all of which was new to me, affording great pleasure in exploring Indian trails and a country which was completely new. I also had a boat built, in which I made excursions down the Sound. About two miles down there was a Catholic mission, a large dark house or monastery, surrounded by cultivated land, a fine garden in front filled with flowers, bordered on one side, next the water, with immense bushes of wallflowers in bloom; the fragrance resembling the sweet English violet, filling the air with its delicious odor. Father Ricard, the venerable head of this house, was from Paris. He lived in this place more than twenty years. He had with him Father Blanchet, a short, thickset man, who managed everything pertaining to the temporal comfort of the mission. Under him were servants who were employed in various ways, baking, cooking, digging, and planting. Their fruit was excellent and a great rarity, as there was but one more orchard in the whole country. There was a large number of Flatheads settled about them, who had been taught to count their beads, say prayers, and were good Catholics in all outward observances; chanted the morning and evening prayers, which they sang in their own language in a low, sweet strain, which, the first time I heard it, sitting in my boat at sunset, was impressive and solemn. We went often to visit Father Ricard, who was a highly educated man, who seemed to enjoy having some one to converse with in his own language. He said the Canadians used such bad French."

Chapter XLIII.

TREATIES WITH THE INDIANS.

GOVERNOR STEVENS now prepared to set about a work of scarcely less importance to the territory and its people than the railroad exploration which he had pushed so far, but which he could now complete only by his own voluntary efforts, and as time and opportunity should permit. The need for this new work was already beginning to be pressing, and would rapidly become more so, and he made his preparations with his accustomed vigor.

Under the donation law, as originally passed, each settler was to have 640 acres of land if married, and 320 acres if single, after he "shall have resided upon and cultivated the same for four consecutive years." The members of the Simmons party had now been in the territory, and most of them had been on their claims, for more than nine years, and many others had held theirs for more than four years, while still others would soon have completed the full term of residence required. Some already wished to sell their claims, but this they could not do until they received their patents, as the donation law declared all contracts for the sale of claims, entered upon after its passage, void if made before patent issued.*

But patents could not issue to any settlers, until the Indian title was extinguished. This title, whatever it was, the government had recognized from the earliest times. Chief Justice Marshall had defined it as a right of occupancy only. Probably the Indians themselves did not originally regard their claim to the soil, or right to use it, as in any way different from their right to breathe the air that was

* Several claims were advertised for sale in the "Columbian" during the first year of its existence, but these were doubtless claims that had been entered upon before the act became law

everywhere about them. They found themselves upon it, without knowing how or why. It seemed to be provided for their use, as the air and water had been. They roamed over it, when not resisted by unfriendly neighbors, helped themselves to what they found on or about it, that they had need or could find use for, and passed on, if they thought they might find something that would please them equally well or better, beyond it. If they found some other tribe, friendly or unfriendly, occupying some part of it that pleased their fancy for the moment, they dispossessed them if they could, and in return yielded to some superior tribe when forced to do so. What they occupied today, because it pleased them, or because they had been driven to do so, they might abandon or be driven from tomorrow, as the case might be. They made no use of the soil except to take from it what it naturally produced; did nothing to establish or strengthen title to it, except to remain on it when they did not wish or were not compelled to go elsewhere. It probably would not have occurred to them to claim any right of ownership in it, if it had not been suggested to them.

But now they had long been told that a Great Father, whom they had never seen, and of whom they had only recently begun to hear, would some time send to purchase their lands, and pay them therefor with goods, the value of which they had well learned. They would then have an abundance of food and clothing, as they thought, and would no longer suffer from the cold in winter, or from hunger in the seasons when fish and game, and the roots and berries which the earth produced in season, were not abundant. They were not unwilling to give up a large part of their land to secure this desired change,

and were living in anticipation of the time when it would be made.

Not a few of them were beginning to doubt that it would be made—they had been hearing about it for so long a time. The settlers were coming in ever increasing numbers; were choosing such land as pleased them, building their homes and otherwise improving it; living in increasing comfort from what they got out of it, and paying them nothing. There was increasing danger that they, or some of them, might begin to be troublesome on this account, and the settlers were growing more and more anxious to have settlement made with them, so that they might be sent to their reservations, where they would no longer be subjected to their importunities, and where police regulations for their control could be established and effectively maintained.

By the terms of the Organic act, the governor was also charged with the duties of superintendent of Indian affairs, and for the service to be rendered in that capacity he was to be paid an annual salary equal to his salary as governor, which was $1,500, showing that in the estimation of Congress and the president, his duties and responsibilities as superintendent would be quite as important as in his capacity as governor, as indeed they were to be. During the session of Congress recently closed, an appropriation had been made for making the necessary treaties, and to make such payments to the tribes treated with as should be required, and he was now authorized to proceed with the important work that both the settlers and some of the Indians, at least, had so long wished to have done.

Soon after his appointment he had been furnished with a letter containing some very general instructions, by Hon. G. W. Manypenny who was then commissioner of Indian

affairs.* Manypenny had himself negotiated several treaties, notably that with the Omahas, to which reference is made, particularly to its sixth article, in nearly all the treaties made by Governor Stevens, and by General Palmer, who was superintendent of the Indians in Oregon during the same years. In this letter the governor is directed to collect as much information as possible in regard to the Indian tribes, in Washington, their numbers, mode of living, their disposition, whether peaceable or warlike, their relations with neighboring tribes, etc., and to do this he was authorized to appoint one or more special agents, as in his judgment might be indispensable. Interpreters were also to be employed when necessary. These were to gather the information required and forward it as early as possible to the Indian office.

So little was known at that time about the country through which he was to make his survey east of the Rocky Mountains, that he was authorized to appoint a special agent in the region lying north of the Missouri River, and west of Minnesota, to gather from the tribes there such information as he was charged to secure from the tribes farther west, and should he deem it advisable to negotiate treaties of peace and friendship with any of the tribes he should meet in that region, he was authorized to do so, but he was to make no promise of presents or provisions, except such as he could fulfill at the time of the negotiation.

In conclusion he was reminded that the Indians in his own territory had been, for a long time, under the influence of the Hudson's Bay Company, and he was therefore enjoined

* I have been furnished by the Indian office with an official copy of these instructions. They cover only a little more than eight typewritten pages letter size, and are very general in character. C. A. S.

to use the utmost prudence and discretion in all matters relating to this delicate and important subject. The commissioner had been informed that most of the goods given to the Indians of Oregon, had been purchased from this Company, and there was danger that they might get the impression from that fact, that they were conferred by persons belonging to a foreign government. He hoped that this had not been done to an extent to produce as yet much bad effect, but it was adverse to the policy of our government to cause these people to believe themselves the recipients of foreign gratuities. It was, therefore, suggested that the governor should make all his purchases from American citizens, when practicable, and improve every opportunity to impress on the Indians that it was the American government and not the British that was conferring these benefits on them. The Indians should be prevented, as far as possible, from crossing the line into the British possessions. The Hudson's Bay Company had so long wielded an undue influence over them that the governor might perhaps find it difficult to carry out these views, but perseverance would, no doubt, finally effect all that was required, or go far toward correcting the present condition of affairs. Under no circumstance should the Company be permitted to have establishments within the limits of our territory, and if any such did exist, "they should be promptly proceeded with in accordance with the requirements of the intercourse law."

During his recent visit to the capital he had been furnished a second letter by the Indian office, setting forth more particularly what he was expected to accomplish by the treaties he was now authorized to make. He was also provided with copies of treaties recently made with various tribes in Missouri and Nebraska, which would be helpful

to him as models of form, and as containing many details not expressed in the letter of instruction.

It was the opinion of the department, the letter informed him, that the formation of distinct relations with each of the forty or fifty separate bands in the territory would not be as likely to promote the best interests of the white settlers, or of the Indians, as if the latter could be concentrated in a limited number of districts, apart from the settlements of the whites. He was therefore to endeavor to unite the numerous bands and fragments of tribes, so far as possible, and to provide for their concentration upon the reservations to be set apart for their future homes. Unless he could effect arrangements of this kind, it was thought best that he should, for the present, conclude treaties only with the tribes, or bands, in the immediate neighborhood of the white settlements, and between whom and the settlers animosities might prevail, or where disturbances of the peace might be apprehended.

It was not deemed necessary to give specific instructions in regard to the details of the treaties. These he was to learn from the copies of the treaties which had been furnished him. Those made by the commissioner himself indicated the policy of the government in regard to the ultimate civilization of the Indian tribes; the graduation of the annuity payments secured to them; the encouragement of schools and missions among them; the exclusion of ardent spirits from their settlements; the security to be given against the application of their annuity funds to the payment of debts of individuals; the liberation of their slaves; the terms on which roads and railroads might be constructed through their reservations, and the authority to be reserved to the president of determining the manner in which the

annuities should be applied for the benefit of those who were to receive them.

As to the amount he was to pay for the land ceded, no special instruction was given, but he was referred to the treaties which the commissioner had made for information on this score. It was the settled policy of the department to avoid, so far as it could be judiciously done, the payment of annuities in money, and to substitute implements of agriculture, stock, goods and articles necessary to the comfort and civilization of the tribes. The governor was to bear in mind that the tribes treated with, resided in a country remote from the capital, and that much time must necessarily elapse between the conclusion of negotiations and the ratification of the treaties by the president and Senate, and he was to caution the Indians against expecting the first payment of annuities too soon after the conclusion of the councils. In all his treaty negotiations, he was to exercise "a sound discretion," especially where the circumstances were such as to require a departure from the instructions given, and he was to be careful to leave no question open, out of which difficulties might subsequently arise, or by means of which further demands on the treasury might be encouraged.

While these instructions were perhaps sufficiently definite in most respects, it will be observed that much was left to the governor's discretion. He might content himself by treating only with the tribes and bands in the immediate vicinity of the settlements, or he might begin at once to deal with the whole Indian problem. He might allow matters to drift, as they had been drifting, or he might proceed energetically to arrange everything so far as it could be arranged, between the Indians and settlers on one side of

the mountains, and the Indians and the immigrants on the other; to extinguish the Indian title to all the lands the Indians did not absolutely require for their own uses, open them to the settlers at once, as they must inevitably be opened at some time, and get the Indians started, so far as it was possible in one generation to start them, on the road toward civilization.

By pursuing one course he might take life easily, remain at home with his family, and justify himself in case some calamity should follow, by claiming the discretion which his instructions gave him, or that the public business required his attention at the capital, particularly while the legislature was in session; by the other he would doubtless meet great difficulties and perplexities, expose himself to some danger, as well as to much discomfort and inconvenience through traveling and living in camp during an inclement season, and he would also take the risk of having to do much that might not meet with favor in Washington, or worse still might utterly fail to produce the results hoped for, or even result in disaster. The difficulties to be encountered were numerous; some of them could not be foreseen. A great many tribes and bands were to be conferred with; some of them spoke kindred languages and were on friendly terms with each other; some had been at war for generations, and hardly knew why. Those inhabiting on one side of the Cascades were wholly different in both mental and physical character, and in modes of living, from those on the other. On one side they were docile and very indolent. A mild and equable climate required them to make but little effort to provide themselves shelter, while the sea furnished them abundantly with food in winter, and the rich valleys with roots and berries in the summer. On the other

side a severer climate and fewer materials for making their houses called for greater exertion, and produced a more active and hardy people. Depending more largely on the chase for means of subsistence than their neighbors across the mountains, they were more accustomed to move from place to place in search of game, and to make or endure war to procure or defend their hunting grounds. These had, for several years, watched the coming of the immigrants, all of whom passed through or near their country, with anxiety and increasing suspicion. They had been told long ago that the Great Father, whoever he was, would send to purchase their lands, and pay them for them, for the use of his white children, but no one had ever come to do this. They had heard that treaties had been made with some of the Indians in Oregon, but no benefits had been received from them;* the promises made had not been kept. The white people were taking what pleased them, but nobody was paying, or offering to pay. Delaware Tom had told them in Whitman's time, that they would do this; that they had done the same with his people, and with others, and would continue to do it, and the suspicion was growing strong among them that they ought to have believed him. Some of them had already reddened their lands with the blood of the missionaries, and been terribly punished for it, but their greatest leaders were now telling them that they were still strong enough to drive these strangers out of their country, and keep them out, if they would only unite and all strike together as they might do. As early as April 1853, Father Pandozy, a Catholic priest living among the Yakimas,

* These treaties had never been ratified by the Senate and therefore the Indians had received nothing on account of them and did not know why.

had written a brother priest, residing at the Dalles, that he had heard various reports of councils held by the tribes east and south of the Columbia, at which feasts had been given and a general war discussed. At one of these feasts so many Indians were present that thirty-seven cattle had been slaughtered to feed them. As time passed the young men began to think more and more favorably of war. Some of them had followed the trains that for two years past had been coming by the Yakima and Nachess, to the Summit, and across the mountains, by the new Cascade road, for days together, with scowling faces, and had generally conducted themselves in such a manner as to cause the travelers much uneasiness. There was already greater danger than anyone then knew that this new trail would soon be no longer safe for travelers. The Ward party had recently been murdered on the trail in the Snake River country, and other trains had been more threatened and annoyed during the season just closed than in any other. Some murders of white men by Indians, and of Indians by white men, had occurred in various parts of the territory, and those who knew what the Indian's theory of retaliation was, as nearly all did, realized that more serious trouble was likely to follow. A state of war had existed in southern Oregon during the preceding year, and it had grown out of conditions precisely similar to those which existed now in every settlement north of the Columbia. There was therefore urgent need to treat with the Indians west of the mountains so that the settlers might secure title to their claims, and equally urgent need to treat with those east of the mountains, to allay their suspicions, and protect the lives of the immigrants.

This situation called for prompt and courageous action, and if the governor debated the course he should pursue,

he did not do so long or doubtingly. The special agents and interpreters, whom he had appointed under the instructions first given him, had now been at work for a full year. Most of them had been for a long time acquainted with the Indians in their several districts, and already knew much about them that would be useful in treaty-making, and they had collected still other information of value, though they had not gathered a mass of ethnological details which Prof. George Gibbs, who was to be of the treaty-making party, subsequently collected and embodied in a report to the department, which would have been of much value at that time had they possessed them. But they had learned that all the tribes inhabiting the shores of the Sound, on its southern and eastern side, spoke dialects of the same language, and were in fact members of the Nisqually family; and that the Clallams and the Makahs, living on the southern shore of de Fuca's Strait, spoke languages differing from this and from each other, and that they were often at war. They did not apparently learn that the Skokomish tribe, living about the head of Hood's Canal, are more nearly related to the Nisquallies than to the Clallams, or that the Chinooks, Wahkiakums, Chehalis, and other tribes living along the coast, differed from each other so far that it was not practicable to treat with them successfully at one time, or to send them all to one reservation. Had more time been given to a study of these tribes, their different languages and customs, it would have been discovered that they could not probably be induced to remove to one common reservation, and that they could not live together in peace if they should do so, and the attempt to treat with them all at one time, would not have been made, or would not have failed as it did.

As soon as possible after his return from the East the governor called the several agents and interpreters together, at Olympia, to consider the information they had collected, arrange his plans for the several councils that must be held, and prepare a form of treaty to be proposed at each meeting. The latter it was not very difficult to do, as the treaties furnished him as models could be followed, as they were, in all respects, except where the habits and modes of living of the tribes to be dealt with would require the change or modification of some minor details. That the Indians would yield their claim, such as it was, to most of the territory, and accept full title to a smaller part sufficient for their needs, with added compensation in goods and articles of value, was certain. Most of them were not only willing but anxious to do this.

It remained therefore to determine, first, which tribes and bands should be dealt with together, as one tribe or family. His instructions admonished him to make as few treaties as possible. As a soldier he realized that it would be desirable, for every reason, to concentrate them in as few reservations as they could be prevailed upon to accept; in that way it would be easier to distribute the supplies that were to be paid them annually for a term of years; to give them such instructions as it was hoped they would receive, in regard to cultivating the soil, and making themselves more permanent and comfortable homes; to gather their children into the schools; to break up their intercourse with the Hudson's Bay people; to prevent them from obtaining liquor, and protect both them and the settlers from the annoyance and danger that would certainly follow if some system of police regulation were not effectively maintained. The legislature had not as yet provided for a militia; might not

provide for it in the near future. Watchful and competent agents must therefore be relied on to protect the Indians from the white people, and the white people from the Indians, for the present at least, and these could do their work more effectually if reservations were small than if large, and fewer of them would be required if few reservations would serve. The most urgent considerations therefore, as well as his instructions, recommended that the tribes be concentrated on as few reservations as would be acceptable, and that these be as small, for the present at least, as the number of the Indians would permit.

It was in respect to these reservations, their size and location, that the mistake for which the governor has been most criticized was to be made. Perhaps it might have been avoided, had circumstances been less pressing; had provision been made for organizing an effective militia that could be relied upon in emergency, or had arms been supplied by the war department upon the governor's application, so that a force might be quickly armed if need be; or had the governor and those about him been better advised as to the associations, habits, and even the superstitions of the Indians, than they were. At this distance of time this trouble about the reservations seems to have been less serious than some would make it appear. It certainly was not the cause of the war which followed, as we shall see. It was an error that could have been and was easily remedied, when it became apparent, and it is probable that no better arrangement could have been made, except by a much longer acquaintance or by actual experience.

The price to be paid for the lands ceded by each treaty, and the manner of payment, were matters that would naturally be determined by the negotiation, though it is probable that

what the governor suggested was accepted without much change. Few of the Indians had any definite or very clear idea of the value of their claims, or what they ought to expect to receive for them, but there is no reason to suppose that the governor sought or wished to make them accept less than they ought to be given. He had no reason to do so, and in a report made before his negotiations commenced he had clearly indicated that he was resolved to be guided only by considerations of fairness and sound policy.

Having matured his plans the governor sent his agents to assemble the first tribes to be treated with, at a point near the mouth of the Nisqually. These were a part only of those belonging to the great Nisqually family—those inhabiting the shore of the upper Sound country, in what is now Pierce, Thurston and a part of King and Mason counties. These were assembled on the banks of a small stream just west of the Nisqually River, flowing nearly parallel with it, and emptying into the Sound about half a mile west of its mouth. The Indians called the stream She-nah-nam (or Sho-nah-nam according to George Gibbs), meaning Medicine Creek, but from the fact that it rises only a short distance above, and flows directly through the claim of James McAllister, it has since become known as McAllister's Creek.

The governor waited at Olympia only to meet the legislature which was just assembling, and deliver his second message. In it he described the work he had done at the national capital during the visit he had made to it, with the approval of the preceding legislature, and enumerated the various acts which Congress had passed during the session, for the benefit of the territory. He advised that a memorial urging that better protection be provided for

the immigrants on the trail, should be adopted, and again urgently recommended that provision be made for organizing an efficient territorial militia. He reviewed the resources of the territory with enthusiasm, and described the advancement to which they entitled it, and again suggested that memorials be prepared and forwarded, urging Congress to encourage development by providing for a geological survey and for the opening and improvement of necessary roads.

Having seen the session of the legislature well begun, and learning that the Indians were assembling at Medicine Creek, agreeable to the invitation sent them, he immediately made ready to begin negotiation with them. His treaty-making party consisted of himself and son, Hazard Stevens, then a boy of twelve, James Doty, secretary, George Gibbs, one of the scientists who had accompanied McClellan's surveying party during the preceding year as surveyor, H. A. Goldsborough, commissary, and B. F. Shaw as interpreter. The small steamer R. B. Potter, Captain E. S. Fowler, was chartered for a tour of the Sound, at $700 per month, and was to supply the table for the party, as well as transport the goods which were to be issued as presents, according to immemorial custom, after the treaties were signed. It also carried a supply of provisions for the Indians, who would require to be fed while the council was in progress, as they would not have time for hunting or fishing, or if they would it was expected that so many of them would assemble at each place where a council was to be held, that they would hardly find sufficient game or fish in the neighborhood to supply their necessities.

The treaty-making party reached the council grounds at Medicine Creek on December 24th, the day before

Christmas, a fact which shows that the governor regarded the business in hand as so pressing that holidays were not to be regarded. They found the Indians, to the number of six or seven hundred, encamped on and near a sort of island, about a mile above the mouth of the creek, and having the creek on one side and the tide marsh on the other. Here Simmons, assisted by Orrington Cushman, Sidney S. Ford, Jr., and Henry D. Cock, had cleared away the underbrush from a considerable space, and pitched tents for the accommodation of the treaty-makers. The cleared ground afforded ample space for assembling the Indians, and to permit them to spread their blankets and be seated, within seeing and hearing distance of those who were to address them. It also afforded ample opportunity for all to see the maps showing the grounds ceded and those reserved. "It was my invariable custom, whenever I assembled a tribe in council," the governor says, "to procure from them their own rude sketches of the country, and a map was invariably prepared on a large scale, and shown them, exhibiting not only the region occupied by them, but the reservations that were proposed to be secured to them."* As the Indians were nearly always accustomed to make rude drawings on bark or on the ground, to explain the general extent and physical characteristics of the country to strangers and to each other, this was the best possible way to make them understand what they were giving up and what they were to retain.

The council was not assembled until the 25th, the intervening time being spent in conferring with the chiefs and principal men, securing from them a general description of the region they claimed, and indicating to them what they

* Introduction to the governor's final railroad report.

were to be asked to give up, what they would be offered for it, and what would be set apart for their reservations.

On the following day the council was assembled and the governor made a brief address, explaining the purpose of the assembly, and telling the Indians what he hoped to accomplish by the treaty, for them and for the government and the settlers. The map which had been prepared for the occasion was exhibited, and then the treaty, so far as it had been prepared, was read and interpreted for them sentence by sentence, in the Chinook jargon, which most or all of them understood. This was rather a tedious process, but no part of the reading or translating was omitted, the Indians listening generally with close attention. When the reading was concluded the chiefs and principal men were encouraged to make such suggestions and comments as they wished, and this invitation was accepted. The council then adjourned for the day, the Indians being told that they would be expected to discuss all matters proposed, among themselves, and be prepared on the following day to make new suggestions, if they should desire to do so, and then, if an agreement was reached, to sign the treaty.

During the remainder of the day and evening, the members of the governor's party, including Secretary Mason, Lieutenant W. A. Slaughter of the 4th infantry, and some of the settlers in the neighborhood, who were present, mingled freely with the Indians, discussed the treaty with them and listened to what they had so say regarding it. Some of the more prominent and influential chiefs called at the governor's tent, or were invited to meet him and discuss the business in hand. On the following day the Indians were again assembled and the governor made a short address, saying that the treaty had been read and explained to them and,

if it was acceptable, he and they would now sign it. If it was not acceptable—if they wished it changed in any respect they should say so, and he would see if what they proposed could be accepted. Some speeches were made, for the Indian never permits an occasion of so much importance go by without honoring it with some oratory, but few raised any definite or serious objection. They were not, however, quite prepared to dispose of the matter so promptly as the governor wished. They had expected to take much more time to think it over and talk about it, and it was not until a young member of the Puyallup tribe, until then not recognized as a person of any considerable standing or influence, had made an impetuous speech in favor of the treaty, that the day was carried. The young orator's name was Linawah or Sinawah, to which the Christian name of Richard had somehow become prefixed. He was forever after known as Tyee Dick, and lived to a green old age.

Toward evening on the 26th the signing began and was continued until all the chiefs and principal men of all the tribes present, sixty-two in number, had affixed their signatures by their marks. The nineteen white men present signed as witnesses. These were M. T. Simmons agent, James Doty secretary of the treaty-making party, C. H. Mason secretary of the territory, Lieutenant W. A. Slaughter, James McAllister of the Simmons-Bush pioneer party, E. Giddings Jr., George Shazer, Henry D. Cock, Orrington Cushman, Sidney S. Ford Jr., John W. McAllister, Peter Anderson, Samuel Klady, W. H. Pullen, F. O. Haugh, E. R. Tyerall, George Gibbs, Benjamin F. Shaw, and Hazard Stevens.

The first Indian signer was Qui-ee-mett, or Quiemuth, and the third Lesh-high, or Leschi, two chiefs of the

Nisqually tribe, who were prominent in the Indian war of the following year. The Indians who were present at the council generally agree that Leschi made objection to the treaty, and that his objection led to a stormy colloquy with the governor, during which the commission, which had previously been given him as a chief, was destroyed in the presence of the whole council. It has been claimed that he did not sign the treaty, though there can be no doubt that he did do so.* The signatures of eighteen of the nineteen witnesses is ample evidence of the fact. The nineteenth was the governor's son, a boy of twelve, and it has been objected that he was too young to make his testimony of any value. The objection may safely be allowed, as the testimony of the other eighteen is amply sufficient.

This treaty provided for the payment of $32,500 in goods, clothing and farm implements, in annual distributions extending over twenty years; for the expenditure of $3,250 in removing the Indians to and improving their reservations; for the establishment and maintainance, for a period of

* It should be remembered that the Indian language, usually consisting of not more than a thousand or fifteen hundred words, at most, does not permit of great precision of expression, and even when an Indian learns to speak English he does not usually acquire a very copious vocabulary. During a service of nearly six years, as the commissioner appointed under the act of Congress of March 3, 1893, to sell a part of the lands in the Puyallup reservation, I sometimes found that an Indian would deny that he had signed a certain paper, but when the paper was produced, and his signature and that of the witnesses shown to him, he would explain that what he meant to say was that he did not then understand that it meant what it now seemed to mean, or that he had now changed his mind about it. The Puyallups were joined in this treaty, and I had frequent occasion to talk with them about it and the council at which it was negotiated and signed. They nearly all remembered that Leschi raised some objection to the treaty, and some said he opposed it vigorously, but I do not remember that any of them ever claimed that he did not sign it. C. A. S.

twenty years, of a school, a blacksmith shop and carpenter shop, and the employment of a blacksmith, a carpenter, a farmer, and the necessary school-teachers to instruct them and their children. It also assigned them three reservations of about two sections, or 1,280 acres each, one of which was Squaxon Island in North Bay, not far from the present town of Shelton, one a mile or more west of the mouth of the Nisqually River, and one on the west side of Commencement Bay, where the city of Tacoma now stands. It was not expected that the Indians would immediately confine themselves to these tracts of land. They agreed to remove to them within a year and to reside upon them, but they were expressly permitted to take fish, for all time, at the places where they had been accustomed to go for the fishing season, and to those of them who owned horses or cattle, was reserved the privilege of pasturing them on any unoccupied lands. Besides, as will soon be seen, the governor had planned to establish one large reservation, as remote as possible from the present settlements, and yet at a place likely to be acceptable to the Indians themselves, on which all who were not inclined to adopt the habits of civilization, and preferred to continue their tribal relations, might ultimately be concentrated.

The negotiation with these tribes having been thus concluded within less than three days, the governor directed Gibbs to survey and mark the boundaries of the reservations provided for, and dispatched Simmons, Shaw Cushman, Cock and Ford to assemble the remaining tribes of the Nisqually nation at Point Elliot for the second council.

This was assembled on January 12th and continued until the 21st. No special difficulty was encountered in the negotiations, but nearly 2,300 Indians were present, and

many speeches were made. The governor first explained the purpose of the council as before, and was followed by Colonel Simmons, who spoke the Chinook jargon, a language which they nearly all understood, and by Secretary Mason. The Indians then sang a mass, after the Catholic form, and recited a prayer, after which the treaty was read and interpreted sentence by sentence by Colonel Shaw. When the reading was concluded the chiefs were invited to express their opinions, and to suggest any modifications they might wish to have made. Seattle, chief of the Duwamish tribes, Patkanim, the chief of the Snoqualmies, who had been present at, and is supposed to have planned, the attack on Fort Nisqually in which Wallace was killed a few years earlier, Chow-it-hoot, Goliah and others expressed themselves, generally approving what was proposed, and when all had finished the treaty was signed, first by Governor Stevens, and then by the chiefs, headmen and witnesses as before.

This treaty provided for the payment of $150,000 in annuities and $15,000 for improving the reservations and removing the Indians to them, and for two reservations of two sections each, one near Port Madison, and one on the east side of Fidalgo Island; also for one comprising the peninsula at the southeastern end of Perry Island, and another occupying the delta formed by the Lummi, or Nooksack River. A special reservation of a whole township, of thirty-six sections, was also made on the north side of the Snohomish River at its mouth, "for the purpose of establishing thereon an agricultural and industrial school, and with the view of ultimately drawing thereto, and settling thereon, all the Indians living west of the Cascade Mountains in said territory."

The next council was assembled at Point no Point, on the west shore of the Sound opposite the southern end of Whidby Island. Three tribes, the Clallams, Chemakums and Skokomish were assembled here, and the negotiations with them lasted through two days. They were to be paid $60,000 in annuities, and $6,000 for removing them to and improving their reservation, which consisted of 3,840 acres located on the Skokomish River at the head of Hood's Canal.

A fourth treaty was made with the Makahs, and a few other small tribes, living in the neighborhood of Neah Bay, on January 31st. These Indians raised but little objection to the terms proposed to them, being chiefly concerned about their right to take halibut and whales, as they had always been accustomed to do, in the waters anywhere in their neighborhood. As there was no reason to interfere with these privileges, but rather every reason to encourage the exercise of them, the negotiations were easily concluded. They were to receive $30,000 in annuities, and $3,000 additional was to be spent in improvements on their reservation, which consisted of the ground they then occupied on Neah Bay and Cape Flattery.

Thus within a little more than five weeks four treaties had been completed with a score or more of tribes and bands, by which the Indians had yielded their claims to all the lands on both sides of the Sound, lying north of the south line of Pierce and Thurston counties, and between the coast and Cascade ranges, and all the south shore of de Fuca's Strait, agreeing to accept therefore absolute title to one general and several small reservations, and $272,500 to be paid in annuities, and $27,250 to be expended in removing them to and improving their reservations, the government

agreeing in addition to provide schools for their children, and farmers and mechanics of various kinds to instruct them in the useful arts, for a period of twenty years. They had also received presents of considerable value at the conclusion of each council, and except in a very few instances were satisfied with the arrangements they had made, and remained so.

Governor Stevens was subsequently criticised for the haste with which these negotiations were conducted; for providing to have the treaties interpreted to the Indians only in the Chinook jargon, and for the limited area, as well as the character of the land assigned to the various tribes for their reservations. Now that the heat and passion of the time in which these charges were first made, has largely passed away, it will be well to examine them with calmness, and determine if possible how much justice or injustice there is in or about them.

That few other Indian treaties, if any, were ever concluded in so short a time is probable. That the Indians would have preferred to take more time for deliberation there is little doubt. The Indian mind works slowly; he is rarely in a hurry, and prefers to reflect a long time on every undertaking before coming to a decision. But there is little reason to suppose that they would have profited, in any considerable way, by a longer negotiation. They came to the councils knowing what was expected of them, and knowing that they were going to do, generally, what was expected. They knew they were going to relinquish their claim to a large area of land that they had never seen, and would never see, for they were accustomed to live on and about the water and rarely went far from the shore of the Sound, except to visit the valleys of the rivers, as far as they could go

conveniently in their canoes, when berries were ripe or certain roots were to be gathered. They were to surrender part of the shore and the valleys also, but they were to get something for it that would be useful to them, and they did not need all the land, or even the most considerable part of it. No person who has ever had much acquaintance with these Indians will doubt that Stevens might have procured the signing of these treaties with equal readiness by offering much less than they called for. But there was no reason to do this. The policy of the government was, and had been, to pay a fair and even a liberal price for the lands ceded, and it has always more than fulfilled its part of the contract. It is altogether probable, if not quite certain, that the terms and conditions of the treaties were made as clear to the Indians, by translating them into the Chinook jargon, as they could have been by using their own language. It is true that its vocabulary is not very copious, but neither are the vocabularies of the Indian languages. George Gibbs collected nineteen of these during his residence in Washington, and not one of them contains more than two thousand words, many of which are derivatives, while a much larger number are the names of places and things not used in trading or treaty-making.

The jargon on the other hand is peculiarly a trade language. It is a mongrel compound of Indian, English and French, with a few purely onomatopoetic words of Indian origin. It had its beginning and development on this coast, and its history is peculiarly a part of the history of Washington. Many writers have told its story more or less in detail, particularly Bishops Blanchet and Demers, Horatio Hale, the ethnologist of the Wilkes' expedition, and Gibbs of the Stevens surveying and treaty parties, and all agree that it

began very early in the intercourse of the fur traders with the Indians. About eighteen or twenty of the Indian words are Nootkan, and Hale observed that these are those most frequently used, and are in fact necessarily used in trading. This seems to indicate quite clearly that it began to take form soon after the first white traders came to the coast, a suspicion that is strengthened by the fact that Lewis and Clarke and the Astor party found these words in use in their time, near the mouth of the Columbia, and later visitors found that nearly all the tribes along the coast understood their meaning. The surmise is further strengthened by the fact that an American is called a Boston man, no doubt for the reason that all the American traders at the time this expression was adopted, were from Boston.

These Nootkan words then form the basis of the language. The Astor party found the Indians using them and adopted them, together with many Chinook words, since they were surrounded by the Chinooks, and their intercourse with them was more intimate than with any of the other tribes. While they were learning their meaning and use, the Chinooks were picking up a few English and French words, from the American traders and their French-Canadian employees, and in time each began to make himself intelligible to the other by using a few words of one language and a few of the other. So this trade language began to grow. The Northwesters in Keith's time, and the Hudson's Bay people in after years, gradually enlarged it, until it was sufficiently elaborate for all their uses, and they distributed it from California to the Russian boundary. The Indians found it convenient to use in their intercourse with each other, the early white settlers quickly acquired it, and it became almost a universal language. Hale, who had only from May to October to

study it, thought it comprised no more than 250 words in 1841, but Gibbs, who spent several years in Washington, found that it contained fully 500 words. It has been considerably enlarged since his time. It is so readily acquired, and so easily spoken, that it will probably continue to be used as long as the Indians remain.

Gibbs says of it that "notwithstanding its apparent poverty in number of words, and absence of grammatical forms, it possesses much more flexibility and power of expression than might be imagined, and really serves almost every purpose of ordinary intercourse." It is probable therefore that the treaties were made as clear to the Indians, who understood the jargon, as they could have been made had their own language been used, and interpreters were always appointed to translate from the jargon into the Indian languages, for those who did not readily understand it. It will be difficult, therefore, to persuade any fair-minded person, who will consider with care what the jargon is, and what the Indian languages are, that the Indians were at any disadvantage during the negotiation of these treaties, because it was used rather than their own languages, to acquaint them with the terms and provisions of the treaty they were making.

That the reservations at first assigned to the tribes, particularly those joined in the Medicine Creek treaty, were both inadequate and badly located for their use, is not now denied. It was not practicable in Stevens' time, nor has it yet become so, to remove all the Indians to one general reservation, as was intended. If it had ever become practicable, the single township reserved at the mouth of the Snohomish would not have been inadequate. But the difficulty about the other reservations could have been

easily remedied—was in fact remedied when the occasion for it became apparent.

These four treaties were in all respects, save this, as fair and just to the Indians as any that have ever been made. They have made these Indians rich, who have fairly improved the opportunities which they gave them, and all the others well to do, and they have all lived better and more comfortably since they were made than ever before. The provision in them of which they have chiefly complained is that copied from the treaty with the Omahas, and it is one of the most wholesome that could be devised for their benefit. It has protected them in the possession of their allotments against the rapacity of those who would have robbed them if they could, against forfeiture for taxes or claims of any kind, and even against their own improvidence and incompetence. If any one had just cause to complain—particularly after the reservations were enlarged—it was the settlers. The reservations when enlarged were located wholly with regard to the wishes of the Indians, and in total disregard of the convenience of the white inhabitants. The Indians' lands could not be taxed. Where it became necessary, as it often was, to open roads through them, it could only be done at the cost of the settlers, and after the Indian office had been satisfied that the roads were necessary. This required much time, during which the settlers suffered great inconvenience. When opened the roads required to be improved and maintained, bridges were necessary, and for all this the Indian paid nothing, although the value of his property was greatly increased by it. Schools were provided immediately for his children; those of the settler were obliged to wait. He enjoyed the equal protection of the laws for life and property, and paid nothing for it. The government thought

itself extremely liberal, and others have so regarded it, for giving the settler land enough to make a home upon, but it gave the Indian quite as much, paid him something to take it, exempted him from taxation, and guaranteed him in the possession of it. And the Indian had done nothing except to happen to be in the country, when the settler, at the risk of his life and that of his family, made it possible for the nation to perfect its title to it.

The remainder of the tribes with which the governor was now to deal were not to prove as tractable as the Sound tribes had been. They were not yet so well acquainted with the white people; moreover the old story that the whites intended to send them away in their fire ships to a sunless island, from which they could never escape, had been repeated everywhere among them, and made them very suspicious. An ambitious leader east of the mountains had long been persuading his own and other tribes to war, and the situation was already far more threatening than most people supposed.

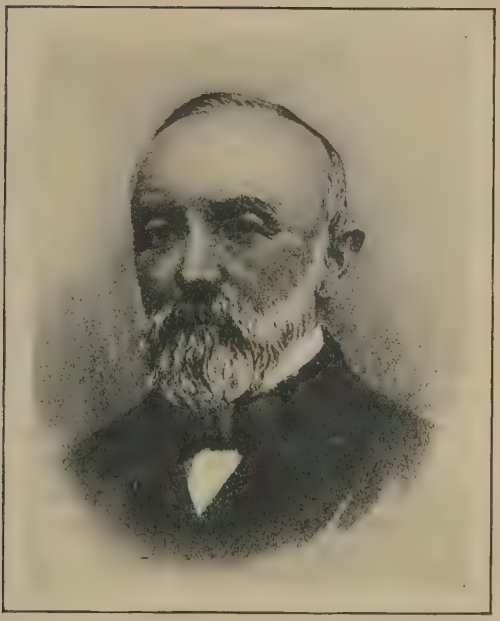
It would have been better to raise an armed force and prepare to overawe the turbulent element, rather than endeavor to secure peace by treaty engagements, though the fact was not fully realized, at that time, in Washington. Agent Palmer in Oregon, who was better advised in regard to the feeling of the eastern tribes, suspected it, but he was supposed to be unnecessarily alarmed. Major Rains, in command at the Dalles, was also suspicious, but his predecessor had recently been removed because he had taken prudent heed to Father Pandozy's timely warning, and he therefore felt called upon to offer no advice until asked for it.

As soon after his return from his treaty-making tour of the Sound as possible, the governor sent his agents to

JAMES G. SWAN.

Born in Medford, Mass., January 11, 1818. He came to Shoalwater Bay in 1852, and the story of his three years' residence in Pacific County, under the title of "The Northwest Coast," published in 1857, and several other works printed in later years, have long been [illegible] most valuable contributions to the history of the coast. He lived to see the territory become a state, and marched at the head of the procession of pioneers at the inauguration of the state government.

for the nation to perfect its title to it.



assemble the coast tribes in council. The place selected for the assembly was on the banks of the Chehalis River, near the claim of James Pilkingon, not far from Gray's Harbor. James G. Swan has given a graphic account of this council, in his "Three Years Residence in Washington Territory." The method of acquainting the Indians with the terms of the treaty was the same as that pursued in the other councils. On the first day the governor made a speech, which was interpreted by Colonel Shaw. On the second day the treaty was read and translated as before, sentence by sentence, so that the Indians might thoroughly understand it. After the reading they were dismissed until the following day, in order that they might have time to discuss it, and have any part explained to them that they did not fully understand. On the third day it was read a second time, after which the governor made another speech and invited the Indians to express themselves freely, especially if any of them had any objection to offer.

Nearly all were willing enough to cede their lands, but some objected to the provision which contemplated their removal to a single reservation, on the coast, north of the harbor. They did not want to go away from their homes, they said; their ancestors were buried there, and there they wished to be buried, when the time should come. They were not friendly with all the other tribes, and if all went to one reservation they feared that trouble would follow. Some of them therefore asked for separate reservations, on the lands which they then occupied. Some also thought that separate treaties should be made with each of the tribes, but nearly all of these objections were overcome, and it seemed for a time that the treaty would be accepted, but a young chief named Tleyuk, who was evidently ambitious

to become the great chief of all the tribes, and who had already obtained a considerable influence among other tribes than his own, was willing to sign the treaty only if the reservation should be located on his own land, and he was made grand tyee of all the tribes.

The governor would not assent to this. He wished to locate the reservation north of the harbor, where there were no settlers as yet, and this was not satisfactory to Tleyuk and his people.

During the evening and night following this conference, old Carcowan, Tleyuk's father, smuggled some whisky into the camp, and later made his appearance in the governor's tent quite intoxicated. He was handed over to Provost Marshal Cushman, with orders to keep him quiet till he got sober. This produced some ill feeling among his people, and on the following morning Tleyuk was more intractable than ever. He had heard the story, he said, that all the Indians were to be sent away to a sunless island, and he had no faith in anything the governor had said. He was assured that he was mistaken, but all efforts to convince him that this was so, or that the good intentions of the government might be relied upon, were unavailing.

In the evening the chiefs were summoned to the governor's tent, where another long conference was had with them. Tleyuk was still angry and impudent, and positively refused to sign the treaty, and behaved in a very disorderly manner, evidently hoping to break up the council. The next morning when the Indians assembled the governor gave him a severe reprimand, took away the commission which had been given him as the recognized chief of his band, and tore it to pieces in the presence of the assembly. Tleyuk felt himself disgraced by the proceeding, but said nothing.

The governor then declared that if all did not sign the treaty he would not ask any of them to do so, and the council was broken up.

The negotiation had lasted a week. "Nothing was done in a hurry," says Swan, "and ample time was given the Indians, each day, to understand the views of the governor perfectly."

Although this council resulted in nothing at the time, it was not without some beneficial effect, for on the 25th of January following, after the governor's return from the Blackfoot council, a treaty was signed at Olympia with the chiefs of the Quenaiult and Quillehute tribes, living on the coast north of Gray's Harbor. Under this treaty these two tribes were given $25,000 in annuities, and $2,500 to improve and remove them to their reservation, which was to be selected by the president, and it was afterwards located at the mouth of the Quenaiult River.

Early in 1856, while he was still busy with the treaties with the Indians in western Washington, the governor had dispatched Secretary Doty and Agents A. J. Bolon and R. H. Lansdale to visit the Indians in eastern Washington, and arrange to have them assembled at some convenient place for a general council. Their reports indicated that they had been generally successful with their arrangements, and that the Indians would assemble on their old-time council grounds in the Walla Walla Valley, where the city of Walla Walla now stands, sometime in May. As some of the tribes claimed lands lying partly in Washington and partly in Oregon, it was necessary that the superintendent of Indian affairs in Oregon should join in the negotiations, and General Palmer was accordingly invited to attend.

It was realized at the outset that these negotiations would possibly be attended with some difficulty. The governor knew of Father Pandozy's letter to Major Alvord, and he had been aware ever since his arrival in the territory that some of these eastern tribes were greatly disaffected. General Palmer thought the situation so difficult that no treaty was likely to be concluded, and he was ever doubtful about the propriety of sending any goods to be used for presents to the council grounds, unless a strong force could be provided for their protection.

But so many immigrants had been murdered during the preceding year in the Snake River country, and the Indians north and west of the Columbia had been so threatening, that Stevens realized that something must be done for their protection, or the Indians would become bolder, more murders would be committed, and some of the trains might be annihilated. Had the legislature acted more promptly on his recommendation in regard to organizing the militia, or had the war department sent a sufficient supply of arms, in answer to his request, it would have been possible to organize a force large enough to police the trail, and so furnish the immigrants the protection they needed, and Stevens would possibly have chosen this course if it had been open to him. As this was not possible nothing remained but to negotiate with the tribes, and if possible secure their pacification and good will in that way. If this was not done nothing could be done.

He accordingly left Olympia on May 12th, accompanied by his son Hazard, A. J. Cain, Indian agent for the lower Columbia, and R. H. Crosby, for the Dalles. Before leaving he received a letter from Father Ricard, of the Yakima mission, warning him that the Indians were in very ill

humor, and were in fact plotting to murder the commissioners who should come to hold a council with them, and possess themselves of the goods they should bring with them. At the Dalles he found that Major Haller had recently received notice from Lloyd Brooke, a settler in the Walla Walla country, saying that the Indians were in a very ugly mood, and that it would be dangerous for the commissioners to visit their country without a strong escort. General Palmer, who had arrived, was reluctant to make any attempt to negotiate at that time, and was of the opinion that any goods sent to the council grounds would be wasted.

Stevens himself now became satisfied that no good result could be expected from the negotiation, unless an escort could be furnished by Major Rains, not only to protect the party and their goods, but to maintain the dignity of the negotiators, by enabling them to seize any person, whether a white man or an Indian, who should behave in an improper manner. There were probably some disaffected Indians in each tribe, the governor thought, and if these should attempt any demonstration, it would be necessary to suppress it at once, or a general massacre of the party might result. With a sufficient military escort, these turbulent spirits might be overawed, and if need be seized, when the others would be more easily controlled. Further than this the governor anticipated no difficulty.

Rains had recently received orders requiring him to send part of his force, which consisted only of two small companies, to protect the settlers on the Snake River, and punish the murderers of the Ward party, and was reluctant to further reduce the small number of men who would be left at the Dalles, but was finally persuaded to send Lieutenant Gracie with forty men, to attend the council. This force was

increased by a reinforcement of ten soldiers and two packers before reaching the council grounds.

Having secured this escort the governor and General Palmer proceeded up the river with their goods and supplies, reaching the council grounds on May 21st. Here they found that Secretary Doty and C. P. Higgins, who was in charge of the pack trains, had arranged the camp and made everything ready for the council. A wall tent, with a large arbor of poles, covered with boughs, in front of it, stood on level open ground, a short distance from Mill Creek, a tributary of the Walla Walla River. This was to serve as the council chamber, and an ample space had been prepared for the Indians who were to seat themselves on the ground in front of the tent. Near by were the tents for the party, while a stout log house contained the supplies and goods to be distributed as presents after the treaty should be signed, and near it was a large arbor to serve as a banquet hall for the distinguished chiefs. A large herd of beef cattle, and a pile of potatoes purchased from the old Hudson's Bay people who had taken claims in the neighborhood, with ample stores of sugar, coffee, bacon and flour were to provide materials for the table.

It was now arranged that Governor Stevens should preside at the council; that each superintendent was to be sole commissioner for the Indians wholly within his jurisdiction; that both were to act together for the tribes inhabiting lands in both territories; that each was to appoint an agent and a commissary, who should distribute goods and provisions among the Indians in proportion to the number in each jurisdiction; that separate records were to be kept, to be carefully compared and certified, so far as they related to the tribes common to both territories, and that a public

table was to be kept for the entertainment of the chiefs.

Governor Stevens appointed James Doty as his secretary, R. H. Crosby as his commissary, R. H. Lansdale agent, and William Craig and Narcisse Raymond interpreters. William C. McKay was secretary for General Palmer, N. Olney commissary, R. R. Thompson agent, Matthew Dampher and John Flett interpreters. Later A. D. Panbrum, John Whitford, James Coxie and Patrick McKensie were appointed as additional interpreters.

Lieutenant Gracie, with his soldiers, arrived on the 23d and fixed his camp near that of the negotiators. He was accompanied by Mr. Lawrence Kip, who subsequently wrote a very full and interesting account of the council. Father Chirouse of Walla Walla and Father Pandozy of the Yakima mission and Father Menetrey from the Pend Oreilles were also present. They reported that the Indians were generally well disposed toward the council, with the exception of Kam-i-ah-kan, who had said: "If the governor speaks hard I will speak hard too," and some of his followers had boasted that "Kam-i-ah-kan will come with his young men with powder and ball."

The negotiators and their escort and assistants were now assembled, and numbered altogether barely a hundred people, half of whom at least were noncombatants. They were soon to be surrounded by fully five thousand Indians, many of whom were disaffected and not a few absolutely hostile.

The Indians were slow in making their appearance. It was not until two days after the negotiators had pitched their camp, that the first considerable number appeared. These were the Nez Perces, and they were much the largest of all the tribes to be treated with. Their arrival was savagely ceremonious and imposing. They first sent forward the

American flag given them by the soldiers in the Cayuse war, and planted it on a slight elevation not far from the tents of the commissioners. Then the warriors, to the number of a thousand or more, naked to the waist, and with their faces painted, advanced on horseback, at a mad gallop, to a point near this standard, where they formed a line and halted. Then the principal chief accompanied by three or four others, rode forward, dismounted and shook hands with the commissioners. They were followed by about twenty-five other chiefs, who in turn advanced, dismounted and shook hands. Then the entire troop of horsemen wheeled away over the plain and forming a single line bore down on the camp at a gallop, as before, until reaching the flag, when each alternate horseman bore to the right and left, forming two great circles surrounding the camp, the lines going in opposite directions. The horses were without saddles, many of them were painted like their riders, or gaily decked with streamers of various colors, and each was guided only by a small thong fastened about its lower jaw. After making three or four circuits, the horses being urged to their utmost speed, the riders beating their tom-toms, and yelling as if in the wildest fury, the horses were brought to a halt, the Indians dismounted and took their stations in rear of their chiefs. Then a number of young men formed a ring, and while some beat their drums, the others entertained the commissioners with a dance, after which they filed off to the camp which had been designated for them. This was on a small stream flowing nearly parallel with Mill Creek, and over a mile from the council grounds. The chiefs accompanied the commissioners to their tent, where they smoked the pipe of peace and had an informal talk.

On the following day the Cayuses, Walla Wallas and Umatillas arrived and went into camp without any parade, on a stream beyond Mill Creek over a mile distant from the council grounds, from which it was entirely hidden by an intervening fringe of trees. They were evidently not in a very friendly mood. Their chiefs made no ceremonious visits to the commissioners, and would accept no provisions from them, a very unfavorable sign. Old Peo-peo-mox-mox of the Walla Wallas, whose son Elijah had been killed in California in Whitman's time, sent word that his people were provided with all the food they required, and proposed that Young Chief of the Cayuses, Lawyer, Kam-i-ah-kan and himself should do all the talking for the Indians in the council. His messenger would accept no tobacco either for his chiefs or for himself, a very unfriendly indication. It soon appeared that these new arrivals were endeavoring to persuade the Nez Perces to refuse to receive provisions from the commissioners, but the latter took great pride in their friendship for the whites and refused to be persuaded.

These unfriendly manifestations were observed by the commissioners, and those with them with some concern. They began to hear that the tribes had combined, or were trying to combine to oppose the treaty, and there was some anxiety lest the opening of the council should be a signal for an outbreak. Kam-i-ah-kan and the Yakimas had not yet arrived. He had refused the presents offered him by Secretary Doty when he invited him to the council, and had boasted that he had never accepted anything from the whites, "not even the value of a grain of wheat, without paying for it, and that he did not wish to purchase presents."

On the next day after the arrival of the Cayuses, a body of four hundred mounted Indians, supposed to be Cayuses

and Walla Wallas, approached the council grounds on their horses, arrayed in full gala dress, and yelling as if they were making a genuine hostile demonstration, but after riding three times around the Nez Perce camp they departed. Soon afterward several of the chiefs rode up to the camp of the commissioners and on being invited to dismount did so, with evident reluctance, and shook hands very coldly. They refused to smoke and remained but a short time. Governor Stevens said of these Indians after their departure, that they more nearly resembled those described by writers of fiction than any others he had met during his experience in the West.

On May 27th, which was Sunday, religious services were held in the camp of the Nez Perces, in which Timothy, a native preacher, delivered a sermon on the Ten Commandments.

The next day Agent Bolon was sent, with an interpreter, to meet the Yakimas, who were reported to be approaching. He brought back information that he had met Kam-i-ah-kan and Peo-peo-mox-mox together, and that the latter had told him that he was sorry to know that the commissioners had been told that he was unfriendly to the whites, and that "his heart was with the Cayuses, whose hearts were bad." He had always been friendly to the white people, and was so now, and he would go today to see the commissioners and ask why such things had been said of him. Accordingly, soon after Bolon's return Peo-peo-mox-mox, Kam-i-ah-kan, Ow-hi and several other chiefs of the Yakimas arrived and, dismounting, shook hands in a very friendly way, and then, seating themselves under the arbor, joined the others in a smoke, but used their own tobacco, although other tobacco was offered them.

Now that all had arrived Governor Stevens proposed to them to open the council the next day at noon. Peo-peo-mox-mox suggested that more than one interpreter be employed, so that the Indians might know that everything said and proposed was correctly interpreted. He was assured that this should be done, and was invited to name an interpreter of his own, but he replied scornfully that he did not wish his young men to be found running around the camp of the white men like those of the Nez Perces.

Of the chiefs who were now assembled, Hal-hal-tlos-sots of the Nez Perces was undoubtedly the wisest and most trustworthy, Peo-peo-mox-mox the most crafty, Kam-i-ah-kan the ablest, and Young Chief of the Cayuses the most violent. Hal-hal-tlos-sots, more generally known as the Lawyer, had won his influence in his numerous and powerful tribe by his wisdom in council rather than by his prowess in war, although he had distinguished himself in battle, and years before had received a wound from which he occasionally still suffered. He knew how to control the turbulent spirits among his people without making any boastful assertion of his authority, and was to show during the succeeding days how absolute and perfect that authority was. Fortunately he was favorably disposed toward the commissioners, and but for that fact their negotiations must have come to naught. It is even possible that they would not have been completed.

Peo-peo-mox-mox was still what he had shown himself to be in Whitman's time—suspicious, treacherous, willing enough to do mischief at any time, and restrained only by "letting I dare not wait upon I would." His son Elijah had been brutally murdered by a white man in California years before, when he had gone there for cattle, and he had

never taken a satisfactory revenge for it. He was the richest of all the chiefs, owning hundreds and perhaps thousands of horses and cattle, and he was yearly adding to his gains by trading with the immigrants, as they passed through his country, and biding his time.

Five Crows, the young chief who had carried Miss Bewley away to his tepee after the massacre at Waiilatpu, six years before, was still powerful in his tribe, though the influence of Young Chief was greater than his. The Cayuses were now only a handful compared with what they were in Whitman's time, and they were sulky and implacable. It was evident enough from the actions of these two that they were not favorable to the treaty.

Kam-i-ah-kan of the Yakimas was easily the greatest chief present. He was to the tribes west of the Rocky Mountains what Pontiac and Tecumpseh had been to their people on the eastern side, in their time. Stevens says of him: "He is a peculiar man, reminding me of the panther and the grizzly bear. His countenance has an extraordinary play; one moment in frowns, the next in smiles—flashing with light and black as Erebus the same instant. His pantomime is great, and his gesticulation much and characteristic. He talks mostly with his face, and with his hands and arms."* Although his voice was not heard for open war, he was nevertheless the Moloch of the council. Cherishing a deep hatred of the white people in his heart, he had for two years past been planning a general uprising, sending his messengers to the Shoshones, along the immigrant trail on the upper waters of the Snake; to the Nisqually

* Winthrop met Kam-i-ah-kan at Father Pandozy's mission in 1853, and gives an interesting description of him in "Canoe and Saddle," p. 234.

tribes on Puget Sound, and even to his ancient enemies on the Willamette and Umpqua, whom he had often plundered in years gone by, but whom he had now more than half persuaded to forget that he had despoiled them, and join with him for the extermination of those who were gradually taking possession of their country. With him came Ow-hi and Skloom, powerful chiefs in his tribe, but still subservient to his wishes, and quite content to be the lieutenants of one who was so easily their superior.

Garry of the Spokanes, whom Sir George Simpson had sent to the Red River country when a boy, to be educated in the schools there, and who spoke English fluently, had also arrived, although a separate council had been planned for his tribe, and those farther to the northeast. He was to be present simply as an observer. The messenger who had been sent to summon the Palouses returned accompanied only by a single chief, who reported that his people were indifferent and would not come.

On the morning of the 28th, the commissioners and Secretary Doty visited the Lawyer in his lodge, as he was suffering from his wound, and could not move about without great difficulty. He had prepared a map of his country, at Governor Stevens' request, and while the party were examining it a subchief, known as Spotted Eagle, came in and informed the commissioners that the Cayuses wanted the Nez Perces to go to their camp and hold a council with them and Peo-peo-mox-mox; but he and his people were not inclined to counsel with them, or ask them for their advice. The messengers from the Cayuses' camp had been very urgent, but he had sent them away, assuring them that he and his people would have nothing to do with them. This was additional evidence to the commissioners that the

Cayuses, Walla Wallas and the Yakimas, while pretending friendship, were really plotting mischief.

At two o'clock that afternoon, the council was formally opened by Governor Stevens. The two commissioners, surrounded by their secretaries, interpreters and other members of their party, took their places at a small table beneath the arbor, in front of the commissioners' tent, while the Indians of all the tribes seated themselves in semi-circular rows in front of them. Timothy, the native preacher, with several of his young men who were very tolerable penmen, were provided with a table near the commissioners, and kept a record of their own. It was estimated that fully two thousand Indians were present, fully half of whom were Nez Perces.

The pipe of peace having been smoked, with due solemnity, two interpreters were appointed and sworn for each tribe, some preliminary speeches were made and the council was adjourned till ten o'clock the next morning.

Before adjournment Governor Stevens renewed his offer of provisions to all the tribes, proposing that each should take two oxen to his own camp and slaughter them for themselves, but this offer was declined by the Cayuses and the Yakimas, Young Chief replying that he had plenty of cattle, and that Kam-i-ah-kan was supplied at his camp. Peo-peo-mox-mox dined with the commissioners, and remained in their tent for a long smoke, and chatting in a friendly manner, but Young Chief refused to be of the party.

During the two following days the treaties were read and interpreted, sentence by sentence, so that there could be no doubt that all the Indians present understood them in every particular. Only two reservations were at this time proposed, one for the Nez Perces on the north side of the Snake

River, embracing both the Kooskooskie and Salmon rivers—in all about three million acres, a large part of which was good arable land with fine fisheries. The other was on the upper waters of the Yakima, and was for the Yakimas, Klikitats, Palouses and other kindred bands. These reservations were to be provided with schools, mechanics and farmers, with grist mills and saw mills, and the head chiefs were to receive in addition an annuity of $500 each for ten years; the annuities for the tribes, in clothing, tools and goods were to be given for twenty years. It was also explained that the governor was then on his way to the Blackfoot country to make a lasting treaty of peace with that tribe, so that all tribes west of the mountains might go into that country to hunt the buffalo in safety.

The Indians listened to all the explanations with very close attention, and with some evidences of favor. The third day the Young Chief for the first time accepted Governor Stevens' invitation to dine with himself, General Palmer and the other chiefs, and in the evening he sent word that his people were tired of such close confinement as they had been under during the last three or four days, and asked that the next day might be set apart as a holiday. The commissioners very readily granted this request, as it seemed to indicate that all the Indians were considering the treaties with more favor. The holiday was spent in horse racing and foot racing, and other contests of strength, agility and endurance in which the Indians so much delight, during which the utmost good feeling apparently prevailed and when they reassembled on the morning of the succeeding day, they appeared to be in still better humor, and several hours were spent in further explaining the treaties and their several provisions, after which the governor cordially invited

all the chiefs present to express their views in regard to them.

Peo-peo-mox-mox was the first to accept this invitation. He complained of the seeming haste of the commissioners to have the treaties concluded and signed. The Indians needed more time to think about them. He did not know that they might not have misunderstood some part of what had been said to them. He carefully indicated that the commissioners might not have spoken straight. Since the whites had begun to come among his people they had made them do what they pleased, and of some of the things done he did not approve. He knew that the commissioners intended to win their country, and he wanted to be sure of what the Indians were to get for it. If goods were offered he did not think he ought to accept them, although some of the Indians were inclined to do so. Goods and the earth were not equal. Goods were for using on the earth, and he did not know where people had given lands for goods.

While he was talking some of the Cayuses had disturbed the proceedings by walking about the council grounds, and conducting themselves in a very unfriendly and disorderly manner, and they were rebuked for it by Camospelo, one of their chiefs, after which the council again adjourned.

Late that evening the Lawyer came to Governor Stevens' tent and, with some evidence of uneasiness, informed him that the Cayuses were planning to massacre the council party, and had been holding nightly conferences for some time past to perfect their plans. These were now all arranged, and had been agreed upon in a full council of the tribe, and they were now only waiting for the Yakimas and Walla Wallas to agree to join them. He believed that the latter had either joined or were on the point of joining the

Cayuses in a war of extermination. Their plan was first to massacre the governor and his party, and after capturing and dividing the goods which had been brought to the treaty grounds, were to attack the Dalles.

The Lawyer concluded his story by saying that he would come with his family and pitch his lodge among the tents of the council party, so that the Cayuses might see that they were under the protection of the Nez Perces. This offer was accepted, and although it was after midnight, he immediately took his lodge to the council grounds, and sent word to the other tribes that the council party was now under his protection.

On Monday the governor opened proceedings by again inviting the Indians to express their opinions, urging them to speak with the utmost freedom. The Lawyer was the first to speak; he favored the treaty. Kam-i-ah-kan followed. He had something different to say from what the Lawyer had said. He was afraid of the white men—their ways were so different from those of his people. Perhaps they were talking straight; let them do as they had promised.

Peo-peo-mox-mox was still in a surly mood. He did not wish to speak. He would leave that to the old men, he said. Steachus, the only chief of the Cayuses who was favorable to the treaty, approved the speech of the Lawyer, and was followed by Tip-pee-il-lan-oh-cow-pook, the Eagle from the Light, a Nez Perce, who recounted the story of the efforts of his people to find light in the east, and of their experience with the whites. The Hudson's Bay people had told them to go one way, and the Americans had advised them to go another. A long time ago one of them had hanged his brother for no offense. Then Spalding and Whitman came. They taught them well for a time. But

Spalding had sent his father to the east and he never returned. Then when blood was spilled his own chief had tried to prove his friendship for the missionaries, and he too was slain, and his body was never returned. When a great council was held at Fort Laramie his people were asked to go there, and some of them did go; some never returned—they died hunting for what was right. They went to find good counsel in the east, and he was here asking good counsel, and to know what it was best to do.

One cause of complaint he had to urge, and that was that a preacher had once come to teach them, and had taught them well for a time, but he afterwards turned to be a trader, as if there were two in one. He made a farm and raised grain, and bought the Indians' stock, as though there were two in one—one a preacher and the other a trader. He did not want another preacher to come and be both preacher and trader. A piece of ground big enough to build a house upon was big enough for a preacher.

He approved the treaty generally, and he believed all would "come straight—slowly perhaps, but we will come straight."

After some further explanations by Governor Stevens and General Palmer, Steachus of the Cayuses expressed dissatisfaction that his people were to have no reservation of their own, but would be compelled to leave their own country and live with others. This led to a rearrangement, by which a third reservation south of the Columbia was proposed for the Cayuses, Walla Wallas and Umatillas, and the council was again adjourned until all could further consider.

When the council again assembled the Lawyer made another speech recommending the acceptance of the treaty. He was followed by Young Chief, who declared that he would

not sell his country. The earth and the water said that God had given them to the Indians to produce food for them, and they ought not to sell them, except for a fair price. Five Crows and Ow-hi were of the same opinion. Peo-peo-mox-mox thought the council ought to be adjourned to a future time. He did not want the white people to come to his country to live, and he complained that the Indians were being treated like children, as they were not consulted as they should be in preparing the terms of the treaty. Kam-i-ah-kan refused to speak though several times urged to do so.

Mr. Kip says that some of the chiefs objected that they were not shown what they were to receive for their lands. They were told they were to receive certain goods, and useful articles of various sorts, but they did not see them. They thought, or pretended to think, that the commissioners should have brought these articles with them to the treaty grounds, so that the Indians might see what they were.

Governor Stevens and General Palmer both replied with great patience to this captious objection, explaining how impossible it would be to bring all the blankets, clothing, plows, wagons, schoolhouses, grist and saw mills, and numberless other things that the Great Father was to send them, to their country until it was known that they had agreed to receive them, and until much preparation had been made for their transportation. The Indians knew well enough what most or all of these things were, and the value of them. The missionaries had brought them into their country, and they had enjoyed the use and benefit of them for many years.

When the commissioners had finished their long explanation Five Crows suggested another adjournment. The

several tribes had heretofore been as one people; now they were divided. But they would think the matter over together for one more night, and give their answer next day.

The council was accordingly again adjourned, and when it reassembled the commissioners were ready with an amended treaty, providing a separate reservation for the Cayuses, Umatillas and Walla Wallas. Some additional annuities were provided for the principal chiefs, and for the son of Peo-peo-mox-mox, and the old chief himself was to be permitted to open a trading store on his own account.

These amendments were received with favor. Young Chief was among the first to give his assent. Peo-peo-mox-mox followed and, as he closed his speech, said, "Now you may send me provisions." Kam-i-ah-kan alone was silent and surly. Governor Stevens urged him to sign but he stubbornly refused.

Still it seemed probable he would yield, since the sentiment of all present seemed to be changing toward a more favorable view. The commissioners were beginning to be hopeful that the long negotiation was about to end, when a commotion occurred outside, and the harmony of the occasion was instantly broken up.

The disturbance was caused by the approach of a small party of Nez Perce hunters, under the lead of an ambitious chief known as Looking Glass, who was second only to the Lawyer, and very jealous of his influence and authority. The party had been east of the mountains in the Blackfoot country, and absent so long that it was supposed that they had fallen a prey to their ancient enemies. They had encountered many perils, and lost most of their horses, but they had slain one of their enemies, whose scalp Looking Glass now carried suspended from a long pole, which he

bore aloft in triumph as the party rode furiously about the camp, yelling and urging their horses to the utmost.

The assembled savages soon began to be greatly excited by this spectacle, and when the cavalcade finally came to a halt, and Looking Glass advanced to the council table, with his bloody trophy still in his hand, it was evident that he was an object of admiring interest, and that he would seize upon the occasion to vaunt his exploit and strengthen his influence with his people. He was an old man, probably past three score and ten, "and yet his eye was not dimmed nor his strength abated." "My people, what have you done?" he exclaimed. "While I have been gone you have sold my country. I have come home and there is not left me a place to pitch my lodge. Go home to your lodges. I will talk with you."

It seemed for the moment as if this diversion might put an end to the council, but the Lawyer knew his old-time competitor better than anyone else did, and he assured the commissioners that he would probably calm down in a day or two and perhaps sign the treaty, and in the end he did so. The council was adjourned for the day.

During the evening Governor Stevens invited the chiefs of the Yakimas to his tent and held a long conference with them. Kam-i-ah-kan was not present, and it was apparently without result.

At the council next day Looking Glass was present, but it did not yet suit his purpose to approve of anything. He asked many questions and raised many objections, and finally demanded that the reservation for his people should be enlarged so as to include nearly as much land as they had originally claimed. But none of his demands were granted.

That evening Peo-peo-mox-mox and Kam-i-ah-kan, with all the prominent chiefs of their tribes, came forward and signed the separate treaties which had been prepared for them. The former had secured a few extra gratuities for himself in the shape of a promise of three yoke of oxen, three yokes, four chains, a wagon, two plows, twelve axes, two shovels, twelve hoes, one saddle and a bridle, a set of wagon harness and a plow harness, and his son was to have a house built, and five acres of land plowed for him, besides an annuity of $100 a year for twenty years.

It was supposed that, in winning this wily old chief over in this way, Kam-i-ah-kan had been won also, but it soon became evident that the two had only conspired together to "keep the word of promise to the ear but break it to the hope."

The Lawyer, Looking Glass and all the other Nez Perce chiefs signed their treaty on the following day, and the council was at an end. The commissioners hoped and believed, and with reason, that a lasting peace had been secured, but they were soon to be disappointed.

"We subsequently discovered," says Mr. Kip, "we had been all the while treading on a mine. Some of the friendly Indians afterwards disclosed to the traders, that during the whole meeting of the council active negotiations were on foot to cut off the whites. The plot originated with the Cayuses in their indignation at the prospect of being deprived of their lands. Their program was first to massacre the escort, which could be easily done. Fifty soldiers against three thousand Indian warriors out on the open plains made rather too great odds. We should have had time, like Lieutenant Grattan at Fort Laramie last season, to have delivered one fire and then the contest would have been

over. Their next move was to surprise the fort at the Dalles, which they could have done easily, as most of the troops were withdrawn and the Indians in the neighborhood had recently united with them. This would have been the beginning of the war of extermination upon the whites. The only thing which prevented the execution of the scheme was the refusal of the Nez Perces to accede to it, and as they were more powerful than the others united, it was impossible to make the outbreak without their consent. Constant negotiations were going on between the tribes but without effect, nor was it discovered by the whites until after the council had separated."

The treaties made were extremely liberal. Each of the three reservations contained much more land than the tribes could ever profitably use. The Umatillas and Walla Wallas were to be paid $100,000 in annuities, and $60,000 for improving their reservation and removing them to it. The Yakimas were to be paid $200,000 in annuities, and $60,000 for improvements, while the Nez Perces were to have a like amount. Schools and mills were to be built, and teachers and artisans employed to instruct and assist them. In addition to all this several of their principal chiefs were to receive annuities of $500 a year for twenty years, and old Peo-peo-mox-mox was shrewd enough to exact a promise from the commissioners that his annuity for the first year should be paid him in hand, as soon after signing the treaty as it could be got for him in Portland. He lived to have it tendered to him, to refuse it, and to regret that he had done so, but not long enough to have a second tender made.

After arranging to have the Spokanes and other northern tribes summoned to meet him on his return, the governor now hurriedly prepared to set out on his trip to Fort Benton,

east of the Rocky Mountains, and beyond his jurisdiction, but where he had been authorized, on his own recommendation, in company with General Palmer and Alfred Cummins, superintendent of the Indians in Nebraska, to meet the formidable and warlike Blackfeet in council, and make a treaty guaranteeing permanent peace between them and all neighboring tribes, and with the United States. General Palmer declined the service thus offered, and Stevens set out on the 16th of June, accompanied by his son Hazard, Secretary Doty, Agent Lansdale, Sidney Ford, A. H. Robie, Gustave Sohon, a soldier of the 4th infantry, who was something of an artist, as well as competent to make various scientific observations, and C. P. Higgins in charge of his pack train, together with a considerable party of plainsmen and mountaineers, some of whom had been members of his surveying party two years before, on his long journey across the mountains to the Missouri. The party comprised twenty-two persons in all, including two Indian guides.

On the way eastward he held a council with the Flathead tribes in their country, which lasted for several days, and at its conclusion a treaty similar to the others he had negotiated, was signed. The party then resumed their journey, and the governor took advantage of the opportunity, purely as a voluntary service, to examine the country with great care, taking measurements and noting all topographical features, for the purpose of completing his railroad report. The information gained in this way, without extra expense to the government, enabled him to finish a work of great value, in which he had taken a deep interest, but which he had been compelled to suspend through the opposition of Secretary Davis. Most men would have abandoned the work when the government refused to furnish the means

for it, but Stevens was not a man to leave anything unfinished when his interest in it had once become aroused.

The negotiation with the Blackfeet was entirely successful though somewhat embarrassed and delayed by the incompetence and lack of enterprise of his associate. On October 24th the governor started westward, to find that the country through which he must travel was already ablaze with war, and that the chiefs with whom he had so lately been in council were lying in wait to murder him.

Chapter XLIV.

WAR BEGINS.

ALTHOUGH the Indians who had taken part in all these councils had formally acknowledged their dependence on the government of the United States, and promised "to be friendly with all the citizens thereof," they began almost immediately to make war in every part of the territory where there were white settlers to slaughter. Within two months after the close of the Walla Walla council the Yakimas, Klikitats and Cayuses had murdered a number of prospectors who were traveling through their country, and soon after killed their agent. About the same time, or perhaps a little earlier, the Umpquas and other tribes in southern Oregon committed a series of depredations on the settlers and miners who were passing through their country, and late in October three families were massacred in their homes in the White River Valley, not far from the thriving town of Auburn of the present day. By the first of November all the regular troops in the two territories were marching to engage the hostile tribes, or so disposed in garrison as to afford as much protection as possible for the settlements. The whole territory was in a state of war; one battle had been fought, and the troops had been defeated. Volunteers had been called for, both in Oregon and Washington, and the settlers were arming for their own defense.

There was far more urgent need for them to do this than most of them at the time realized. The uprising had been ably planned, and the organizers of it had been at work for a long time. They had gone from tribe to tribe, from the northern line of California to the British Columbia boundary, and from the Rocky Mountains to the ocean, urging their old-time friends and enemies alike to put aside their differences and unite against the Americans, who were coming to

dispossess them of their homes. So successfully had they carried on this agitation that the young men everywhere were ready, and could hardly be restrained until a time could be fixed when all would strike together. Could those who had preached this crusade have controlled it as successfully as they had raised it, the settlers would easily have been exterminated. But this was impossible. Like other agitators, before their time and since, they had raised the storm but they could not control it.

The war followed so closely on the conclusion of Governor Stevens' treaty-making campaign, that some have supposed that the dissatisfaction of the tribes with the treaties made was the cause of it. General Wool, who was in command on the coast, with headquarters at Benicia, California, and who so managed matters that the troops were of but little assistance to the settlers in their troubles, alleged this to be the fact. He also charged that the war was raised by the settlers themselves for the purposes of speculation. But neither of these charges were true, nor did they help in any way to excuse his own negligence and incapacity.

The origin of this war was not different from that which caused all the wars between the settlers and the Indians from the time of Captain John Smith and Miles Standish to George Crook and Philip H. Sheridan, except that in this case the causes for dissatisfaction had been aggravated by the neglect of Congress to do what it was necessary to do, and which the Indians had long been promised it would do. The neglect with which it had treated Oregon affairs from the beginning still continued. It was the same neglect which had left Astor and his partners to struggle alone and unaided with the difficulties they encountered in their efforts to settle and hold the country, and failed to supply them even with

a "lieutenant's command" for their protection, when assured that it would be sufficient. It was the same neglect which had permitted the title to the country to hang in the balance for nearly thirty years, under an agreement for joint occupation which gave the contesting claimant every advantage; the same neglect which, after encouraging the settlers to hope that they would be given homes, under a generous donation law, failed for several years to carry the promise into effect, by enacting the law; the same neglect which had failed to provide them with protection against the savages in their long march across the continent, or to provide them with defense until Whitman and his helpless dependents had been murdered; the neglect which had postponed the settlement of the boundary until it could be postponed no longer. Washington and Oregon were "so far away" that their affairs seemed unimportant to the statesmen of the time, in comparison with those that were nearer the seat of government. But for the recent acquisition of California, it would doubtless still have seemed improbable to many that they could ever become members of the great family of States. If they could they would be free States, and by an element then powerful in the direction and control of the government, no more free States were thought to be urgently needed.

In every other territory the Indian title had been extinguished before the land was opened to settlement; in Oregon the settlers took possession long before the donation law was passed, and treaties with the Indians were not made until a later date, and in most cases until four or five years later. Had Congress done the things it was manifest it must do, in the order in which it should have done them, and always had done them previously, a principal cause for the alarm

and dissatisfaction of the Indians would never have existed. As this was not done, and no definite promise was made as to when it would be done, the Indians were left to suspect, and with reason, that nothing would be done at all. More than this, when the first treaties were made they were not ratified, and the Indians were left to suspect that they were a mere sham, intended only to deceive them. They could not understand why the promises made them were not fulfilled. They knew nothing about the need for ratification, nor did they comprehend anything about the difficulties that might attend it. They saw the settlers arriving, taking possession of their lands and proceeding to occupy and improve them. They were not consulted about it. They were paid nothing, although promise was frequently made that they should be paid. They could get no information as to when they would be paid, nor could the settlers give them any. They were giving all they had agreed to give, and some mysterious power somewhere, about which they knew little, and which they sometimes doubted if it ever existed at all, was withholding payment from them. More and more they began to suspect that the settlers were deceiving them, and that the government which they talked about so continually, which was to pay them the blankets and other goods they so much desired in exchange for their lands, was nothing but a fiction.

There had been signs of discontent among the Indians, particularly east of the Cascades, before Governor Stevens arrived in Washington. Father Pandozy, at his mission on the Ahtanum, had noted them more than a year before he wrote his warning letter to Father Mesplie at the Dalles, on April 2, 1853. They continued to increase and at length the indications of a general uprising had become so numerous

that he was alarmed for his own safety, and that of his fellow missionaries, and could no longer keep silence. "The clouds are gathering upon all hands," he wrote, " . . . The tempest is pent up, ready to burst. From your silence I know not what to think. You are on the spot which will be the first victim of the tempest, and you say not a word."

He had heard so much talk of war, from far and near, that he had no doubt all the missionaries were as well informed about it as himself. "Through the whole course of the winter," he says, "I have heard the same thing—that the tribes have united themselves for war. . . . All the Indians upon the left bank of the Columbia, from the Blackfeet to the Chinook inclusive, are to assemble at the Cayuse country; all on the right bank, through the same extent of country, including those from Nisqually, are to assemble on the Simcoe. The cause of the war is that the Americans are going to seize their lands. . . . Among the chiefs who are for war, some want to make no distinction between Canadians and Americans, but would kill all the whites in their country without distinction—trappers or traders. Others wish to preserve the people of the Hudson's Bay Company, because, they say, 'they are our own people; they marry our daughters; their children are half Canadian and half of our country; we should slay a part of ourselves.'

"What language they hold concerning ourselves (i.e., the priests) I know not."

Major Alvord, who was in command at the Dalles, had heard enough about these ominous war councils to make him think it worth while to send a copy of this letter to his superior in command, when Father Mesplie brought it to his notice. But he was reproved for his forethought, and in

time superseded, and Father Pandozy was similarly humiliated. Both were thought to be unnecessarily alarmed; their timely warning was not appreciated.

But the report which they were thus reproved for prudently making known to their associates and superiors continued to receive confirmation. Indian women who were married to or living with the employees of the Hudson's Bay Company and other white men, told them that mischief was brewing and that they would do well to beware. Other Indian women and Indian men who had received favors from, or for other reasons felt kindly toward some white family in their neighborhood, vaguely hinted to them that danger was approaching. These kindly offices were not seriously regarded at the time in most cases, but were remembered long afterward when their meaning became too horribly apparent. In several instances, friendly Indians gave warning to the military officers themselves, but it was not heeded. They refused to believe that danger threatened till war was actually upon them, and in such formidable shape that they were wholly unprepared for it.

They had also received notice of another kind, that the Indians were in bad humor. In March 1855, two Americans, S. M. Hamilton and T. Pierce, had gone into the Yakima or Walla Walla country, to start a stock ranch, but the Indians told them they would permit no settlers to remain among them until their lands had been bought and paid for, and ordered them to leave at once. So much hostility was shown that they were glad to escape with their lives. Colonel Bonneville, who was then in command at Fort Vancouver, and Major Rains at the Dalles, had been of the opinion, at that time, that Peo-peo-mox-mox ought to be arrested and imprisoned, but Governor Stevens, hopeful of his ability to

mollify him when he should meet him in council, persuaded them to leave him at liberty. This friendly action he subsequently had serious cause to regret.

The governor was not without information of his own as to the threatening aspect of affairs. His Indian agents kept him informed, as he and they supposed, but as will appear, they did not think the situation alarming. Even Bolon, who was agent for and traveled widely among the tribes east of the Cascades, and was one of the earliest victims of their ferocity, seems not to have apprehended any danger. Stevens himself was so confident of his ability to remove any cause of dissatisfaction, that he took his son with him to the Walla Walla council, although only a few days before starting he received a friendly warning from Father Ricard, who was in charge of the missions among the Yakimas and Cayuses, that those tribes, together with the Walla Wallas, "would attend the council with a hostile purpose, and he would go there at the hazard of his life." It was not until he reached the Dalles that he began to think the situation so serious that he ought to ask for an escort, and was fortunately furnished one.

During the summer and fall of 1857, nearly two years after the war began, J. Ross Browne, a special agent of the treasury department in Oregon, made an apparently thorough inquiry into the causes of the uprising, and embodied them in a report to General J. W. Denver, who was then commissioner of Indians affairs. George Gibbs, the scientist who had accompanied the McClellan exploring party in 1853, who had subsequently been a member of Governor Stevens' treaty-making party, and later still attached to the garrison at Fort Steilacoom, during all of which time he had been much among the Indians, studying their languages,

their character and their habits, and whose opportunities for knowing what they were doing and thinking about were not surpassed by those of any other person in the territory, wrote a letter, earlier in the year, in which the history of the beginning and growth of this hostile spirit among the Indians is ably and fully reviewed. These two papers contain a more complete statement of the causes leading up to the war than can be found elsewhere, and since their publication little information of value has been discovered that they do not contain. Browne is confident that the treaties were not the cause of the war, and he acquits the settlers of having raised it for the purpose of speculation. "The charge," he says, "is absurd and monstrous." Gibbs declares positively that "the war was not caused by any outrage on the part of the whites."

Browne believes that the discontent among the tribes east of the Cascades was greatly increased, and it doubtless was, by the action of General Palmer in sending back to that region a party of Klikitats, who years before had made raids into the Willamette Valley, finally conquered the weaker and less warlike tribes they found there, and settled in their country. According to Indian usage the country was really as much theirs as their predecessors. Their claim to it had been recognized by the courts, in several cases in which they had been accused of trespassing on the property of white men, and they had besides rendered the settlers efficient service, notably in Governor Lane's time, in their wars with the Indians farther south, in the Umpqua and Rogue River countries.

These Indians left the Willamette most reluctantly, and from the moment they returned to the north side of the Columbia, they were in a state of war. They had observed

that the treaties made with the Indians among whom they had been living, had never been carried out, although four years had elapsed since they were made. Meantime the white people had taken possession of the lands which the Indians had relinquished, while those who had been living on claims included in the reservations, had not removed from them, nor were they inclined to do so. None of the payments promised had ever been made, because the treaties had never been ratified. But this the Indians could not understand. The promises they had made they had performed, while none of the promises made them were fulfilled, and nobody could give them any reason, that they could comprehend, why these things were so. Naturally they suspected they had been imposed upon, and these Klikitats, who had so long lived among them, carried back with them a firm conviction that the treaties were a delusion and a snare.

They arrived among their kindred on the east side of the Cascades in time to make them acquainted with their own grievances, as well as to spread their impressions of the treaties and treaty makers among the Yakimas, before they were summoned to the Walla Walla council, and this fact will account, in some degree at least, for the distrust so persistently manifested by Kam-i-ah-kan and his subordinates during the negotiations. It still further inflamed the remnant of the Cayuses, who nourished a strong resentment against the whites, on account of the punishment inflicted upon them in the winter of 1847. It furnished to all the tribes, except the Nez Perces, a new and strong reason for believing what they had long suspected, that the treaties proposed were nothing more than a device to get possession of their lands without paying for them. It would have had some effect on the Nez Perces also, but for the influence of

the Lawyer, and the fact that they lived farther away than the others, and the reports brought back by these Klikitats had not been so early received or so generally discussed among them.

It is not hard to conceive how a report of this kind, so assiduously spread as it doubtless was, and supported, as it seemed to be, by proof of actual observation, should affect the minds of these savages, to whom many promises had been made and none of them fulfilled. For nearly twenty years past the settlers had been coming through their country, and if few of them had remained there, they had gone into the country of other Indians whom they knew, had taken their lands and paid nothing for them. Promise of payment had always been made. Glowing stories of what would be given them by the Great Father, when he should send his representatives to treat with them, had been told them in Whitman's time and even earlier, but the treaty makers had not come until now, and now that they had come the promises they made were not kept. The Indian was required to do what he was asked to do, at once; the white man took his own time, and now, as it seemed, he was to do nothing.

An ambitious agitator like Kam-i-ah-kan, or a crafty one like Peo-peo-mox-mox, who ever had an eye to his own personal profit and advantage, would not fail to use this seeming proof of what they had so long and so busily represented to be the fact, as effectively as possible. The conduct of both at the council indicates that they were in a large degree governed by it. Both believed that the commissioners would make promises that they knew were not to be kept, and they, on their part, would meet them with promises they did not intend to keep. But the Walla Walla chief, as his nature was, would contrive to get such personal and present

advantage as he could; the Yakima would pursue a less selfish policy, and make use as he could of the occasion to further his grand plan for a general war.

Although he signed the treaty, and broke it almost immediately afterwards, he appears nevertheless to have been actuated by a sense of honor that is comprehensible and even admirable, if viewed from the Indian standpoint. Indians everywhere despise a liar; they admire people who "talk with straight tongues." This Indian would make no promises or protestations that he did not intend to keep. He said nothing, or at least but little, during the council, though often urged to speak. He listened with disdain to the speeches of the Lawyer, and other Nez Perce chiefs who were accepting the hospitality of the commissioners, and were favorable to the treaties, and evidently despised the empty expostulations of Looking Glass, and the evasions of Peo-peo-mox-mox, as unworthy of a really great chief. As a high-minded savage he would give no one occasion to say afterwards that he had broken his word. But the signing and breaking of a treaty was another matter. Did he not know that it was only a mere pretense—a snare laid for his people; a thing these commissioners did not intend to keep? Would the Great Father, of whom they talked so much, keep it more sacredly than he had kept the treaties made for him with the tribes in the Willamette? Why should he not sign it, as readily as they did, and so gain time to further his grand purpose? It was doubtless by reasoning of this kind that he justified the course he had marked out for himself, and resolutely intended to pursue. He would tell no lie, but he would meet the insincerity of these white negotiators with equal insincerity, and when the time came he would show that they had not deceived him. But while thus planning to

sign an agreement that he would not assent to by spoken word, it was without doubt his influence more than any other that restrained the impetuous Cayuses and prevented the massacre of the commissioners. He was not yet ready to strike. He would wait until the frost came, and the river was frozen over. By that time his plans would have ripened; he would be able to strike in many places at once, and the settlers would not be able to send their troops to his country. Before they could prepare for successful resistance he would exterminate them.

That his agents were long at work among the Indians west of the mountains, and particularly in the Sound country, there is every reason to believe. One of the most active of these was Leschi, whose mother was a Yakima, and whose relations with Kam-i-ah-kan and Owhi were intimate. He was an eloquent orator, and traveled far among the tribes on both sides of the Columbia, appealing to them to rise against the whites, who were coming in ever increasing numbers year by year, to despoil them of their homes. He did not fail to picture to their imaginations that "Polakly Illahe," the land of darkness, where no ray from the sun ever penetrated; where there was torture and death for all the races of Indians; where the sting of an insect killed like the stroke of a spear, and the streams were foul and muddy, so that no living thing could drink of the waters. This was the place to which the white men intended to banish them, when they should be strong enough, and he called upon them to resist like braves so terrible a fate. The white men were but a handful now. They could all be killed at once, and then others would fear to come. But if there was no war, they would grow strong and many, and soon put all the Indians where torture awaited them.

The work of this and other active agitators alarmed some of the Indians west of the mountains, while others were persuaded to join the uprising. In July Patkanim, who evidently remembered the outcome of his attack on Fort Nisqually in 1849, went with a party of his Snoqualmies to Fort Steilacoom and told the officers there that an uprising was imminent, and that he and his people would not join in it. Gibbs was present at this interview and acted as interpreter. Later Yoh-ho-tow-it and Umtrets, two Klikitat chiefs of influence in a small party of that tribe who had left their own country some years earlier, and settled on the Cathlapootle, after driving away the other Indians they found there, went to Fort Vancouver and told the officers there a story similar to that that Patkanim had told. All the tribes east of the mountains were bent on war, they said, and "it was good that the whites should fill the Dalles, Vancouver, and Steilacoom with soldiers—not a few, as they were then, but full—many soldiers." They promised to remain at home on the Cathlapootle, and keep their men there.

Gibbs was at Vancouver at the time, and acted as interpreter at this interview also. But in spite of these warnings the military did nothing. They in fact did worse than nothing, for they permitted a small band of Klikitats, who had thus given them friendly warning that war was about to begin, to be driven back across the mountains, and one of the two chiefs to be killed, at the very beginning of hostilities. By this ungrateful negligence they needlessly made enemies of those who wished to be friendly, and sent a reinforcement to the enemy, to further incite them to hostility with the story of their wrongs.

It has been charged, as elsewhere noted, that Leschi did not sign the treaty with the Nisquallies, of which tribe he

was a member and a leader. It is a noteworthy fact that Gibbs, who was manifestly not friendly to Stevens when his letter was written, says nothing of this. It seems certain, both from the rugged honesty of his character, the nature of his employment, and his unfriendly feeling toward the governor, that he would not have failed to expose the forgery if one had been committed. It is noteworthy also that no attempt was made, either when this Indian was on trial for his life, or in the bitter controversy that attended and followed the trial, to show that he had not signed the treaty, though protesting at the time against some of its terms. The fact undoubtedly is that he signed it, as Kam-i-ah-kan and the other chiefs signed that with the Yakimas, deliberately intending to break it, although he did not have as much cause as they had for believing the government would not approve or carry out its part of it, for the Klikitats had not then been sent home from the Willamette Valley. It is to be remembered that it was never even insinuated that Leschi did not sign this treaty until long after both he and Stevens, as well as Gibbs and most of the white people who were present, and signed it as witnesses, were in their graves, and those who have believed the libel in recent years, have been able to base it upon no evidence more substantial than their own misunderstanding of what the Indians long after said about it.

The representation that the treaties were the cause of the war, like those that it was caused by some indignities offered to Indian women, belonging to tribes that did not join in the war at all, or that the settlers deliberately began it for purposes of speculation, must be laid aside as wholly unworthy of belief. The Indians had other and far more serious cause for alarm, in what they saw going on about

them on every hand. The situation was such that even a more enlightened people than they were, might well have felt suspicious and anxious, and when it is remembered how long and persistently matters had been misrepresented by the designing agitators among them, it appears surprising that the slaughter did not begin at the Walla Walla council.

But the power which controlled the turbulent element there could not control it much longer. Soon after the Walla Walla council was dissolved a report spread through the country that gold had been discovered near Fort Colvile. In the preceding March four French Canadians, who had served their time with the Hudson's Bay Company, while prospecting along the banks of the Upper Columbia, near the confluence of the Pend d'Oreille, found sufficient color to fill them with the hope that they had found gold in paying quantity. News of their find soon reached the settlements, and was received with the greatest interest. For years past the residents in the Puget Sound region, along the Columbia, and in the Cowlitz and Willamette valleys, had seen the tide of immigration, which had once set strongly in their direction, turning southward to California. A State had been peopled and a government established in it, in a region which was but little known and rarely mentioned, until Marshall had discovered gold in the tail race at Sutter's mill. While this new region to the southward had been developing so rapidly, their own rich country had languished for want of interest and attention. Money was not plentiful in it, and employment, aside from that offered in the logging camps, was hard to find. But now a discovery of gold in their own country, although in a remote and not easily accessible part of it, filled them with hope. Many laid aside such

employment as they had, whether on their own farms, or in the mills and lumber camps, and started for the mines.

As but little could be learned about the extent of the new mining region, or the nature of the deposits found, Colonel J. Patton Anderson, late United States marshal, but recently elected delegate to Congress, in place of Columbia Lancaster, set off for Colvile in quest of information. Wells, Fargo & Co. also sent an agent to examine the country and make report. But few waited for the information they would bring back. By the middle of July all the roads and trails leading toward the northeast had been found by the hopeful gold-hunters. Those from the Sound crossed the mountains by the Snoqualmie and Nachess passes, while those from the Cowlitz and the Willamette generally went up the Columbia to the Dalles, and thence crossed into the Yakima Valley. Later many went by way of Fort Walla Walla, where they left their boats and struck out over the sagebrush plains for Fort Colvile.

Not one perhaps of all these eager travelers anticipated any trouble from the Indians; certainly none of those who started earliest did so. Few of them had heard of the warnings sent by Father Pandozy to Major Rains, or of Father Ricard's letter to Governor Stevens, nor did they know of the truculent conduct of the Yakimas, Cayuses and Walla Wallas at the council. They knew only that treaties had recently been concluded with nearly all the tribes in Washington, and assumed that the whole Indian country except the reservations was now open to settlement. They had the best of reasons for this assumption, for immediately after the Walla Walla council was concluded, official notice that the ceded lands were now open to settlement, signed by both Stevens and Palmer, was published in the newspapers

of both Washington and Oregon.* Certainly if that were the case, those who were merely passing through it, intending in no way to dispute possession with its present occupants, were not likely to be molested. So confident were many that they set out in small parties and absolutely unarmed.

It was the country of the Yakimas, Walla Wallas and Cayuses, who had left the recent council in such bad humor, that these prospectors first invaded. It is not surprising, in view of what is now known, that the Indians looked upon them with suspicion. Remembering what the Klikitats, whom Palmer had sent home, had told them about the treatment they had received, it is not strange that they should regard these goldhunters as the advance guard of the settlers who, under pretense of hunting gold, were really coming to take possession of their country under the treaty. Many of these unarmed prospectors were murdered. One of the first to be killed was Mattice, a resident of Olympia, and soon after his partner Fanjoy, who had been interested with him in opening a coal mine in King County, was also murdered. They had been among the first to start for the new gold fields and were killed at, or near, the crossing of the Columbia. Other murders followed in rapid succession. Among those known to have been killed were Jameson, Walker, Eaton, Cummings and Huffman, and many others whose fate was never certainly known are believed to have been massacred.

Gradually news of these outrages began to reach the settlements, and produced the greatest anxiety. The Oregon newspapers were filled with the most alarming reports; in

* This notice appeared in the Puget Sound "Courier," published at Steilacoom, on July 12th, while news of the gold discovery at Colvile had appeared, for the first time, in the preceding issue, on July 5th.

one issue the "Statesman" estimated that fully seventy prospectors were killed. Edward Eldridge, who with two companions had crossed to Fort Colvile on foot, read at the Dalles, as he was returning, a list of fifty miners who were supposed to have fallen victims to the ferocity of the disaffected tribes. His own name was among the number. He and his two companions had been the last to leave the Sound, in July, and had been warned by Dr. Tolmie, at Fort Nisqually, that the Indians east of the mountains were committing many murders. In spite of this warning they had persisted in going, and had taken with them but a single rifle for their defense, and this they abandoned before crossing the summit, because the provisions they were obliged to take with them were so heavy that they were compelled to lighten their loads.

Late in August Angus McDonald, the Hudson's Bay trader then in charge at Fort Colvile, sent word to the miners that Mattice had been murdered, and warned them to make preparation to defend themselves. By this time it had been ascertained that gold in paying quantity was not to be found in that region, and the disappointed prospectors were already leaving for their homes. Those who had not yet started quickly prepared to leave, on receiving McDonald's warning, and the mines were abandoned. On their homeward journey, by way of Fort Walla Walla, the miners found the Indians in a very ugly humor, and some of the later stragglers only escaped by representing themselves to be employees of the Hudson's Bay Company. All the Americans then living east and south of the Columbia were warned, by friendly Indians, to make their escape down the river, which most of them did, or took refuge among the friendly Nez Perces. By the last of September no white people, except the French

Canadians who had once worked for the Company, remained in eastern Washington, and by the middle of October Fort Walla Walla itself was abandoned, all the powder and other war material it contained being first thrown into the Columbia River.

As soon as Indian Agent A. J. Bolon learned of the outrages the Indians were committing on the miners, he left the Dalles for the Catholic mission on the Ahtanum, near which Kam-i-ah-kan had his camp. Remembering the temper which this chief, and those about him, as well as the Cayuses and Walla Wallas, had shown at the council, he evidently guessed that the ill feeling of their tribesmen had been increased by the sudden invasion of their country by the prospectors, but hoped to be able to explain matters to the satisfaction of this chief, and secure his help to repress the threatened uprising. He knew that this influence would be amply sufficient for the purpose if he could secure it.

So confident was he of his own influence among these Indians, that he went unarmed and unattended. He set off on September 18th, and never returned alive. Several days later Nathan Olney, one of his associates in the Indian service, becoming alarmed for his safety, sent a trustworthy Indian to the Ahtanum to make inquiry, and if possible to render him assistance. Before he returned an Indian woman brought the news that he had been murdered. From these two Indians was learned all that was ever known of Bolon's fate.

It appears that he reached the mission in safety, but as had been the case for many months preceding, he was unable to find, or procure an interview with, Kam-i-ah-kan. This able manager wished for no conference with his enemies, or their agent, and sent Skloom, one of his lieutenants, to meet

him. With this Indian, Bolon had a long interview, in which Skloom told him that his people and the neighboring tribes had long been alarmed by the coming of the Americans, and that they had, for a long time past, been taking council together about means for their own defense. The last council, he said, had been held in the Grand Ronde. He had attended it, but had spoken against war, though most of the others present were in favor of it. Bolon had told him that if war was begun the Indians would surely be defeated. He had explained that the miners were not coming into the country to remain, but were merely passing through it to some far-away gold mines, and that the attacks upon them must stop. If they were not stopped soldiers would be sent into the valley and war would begin. He also told Skloom that the Indians who had committed the murders already reported must be given up for punishment.

Whether any understanding was reached at this interview, or any promise made on either side, no one now can ever know, as we have only this Indian report of it. Skloom was evidently angered by Bolon's admonition that soldiers would be sent to punish his people, if the murders were not stopped and the murderers surrendered. Doubtless his version of the conference was soon communicated to Kam-i-ah-kan and others, but Bolon seems to have suspected no danger to himself.

On the day following he started to return to the Dalles, accompanied by three Indians, one of whom was a son of one of the chiefs. By some this was supposed to be Kwalchin, son of Owhi, who was a half-brother of Kam-i-ah-kan, and by others he is supposed to have been a son of Sho-ah-way, another chief. After proceeding for some distance from the mission this young man, whoever he was, dropped behind

the party and shot Bolon through the back. With the help of his companions he then cut his throat, killed his horse, built a fire and burned the bodies of horse and rider together.

When the Indian woman arrived at the Dalles with her story, Major Rains was at Vancouver, but Major Haller had just arrived from the Snake River country, where he had recently punished the murderers of the Ward party. His command had not yet come up, but realizing that it would be desirable to act promptly, in case the news of Bolon's murder should be confirmed, he immediately set about preparing the two companies then at the fort to take the field, intending to leave his own tired troops to garrison the place when they should arrive.

Before starting on his Snake River campaign he had received a letter from Lloyd Brooke, of Brooke, Bumford & Noble, the traders and stock-raisers who were occupying the site of the old Whitman mission, advising him of the hostility of the Cayuses and Umatillas, and giving warning that they might attack the commissioners during the council. This letter had been shown to Stevens, on his arrival at the Dalles, and to Rains, and had been of service in convincing the latter that he ought to send an escort with the treaty-makers to protect their lives, and the property they took with them.* He also knew from other sources that the Indians had been in bad humor for a long time, and was therefore prepared to believe that serious trouble was imminent.

He also sent word to Major Rains, as it would be necessary to have his order, or approval, before his expedition could start, but he received no reply for several days. Finally, when all was ready, he moved both companies to the opposite

* From a manuscript written by Colonel Haller some years before his death, and now in the Bagley collection.

side of the river, so that they might start northward so much the more promptly when orders should arrive.

Meantime Rains had received a letter from Secretary Mason, who, in the absence of Governor Stevens, was acting governor of Washington, advising him of the murder of Mattice, and asking him to send a strong force to the Yakima, to protect the prospectors. Soon after this letter was dispatched news came that other miners had been murdered, and Governor Mason made a hurried visit to Fort Steilacoom to urge Captain Maloney, then in command of that post, to send a force directly across the mountains by the Nachess Pass, to coöperate with whatever troops should be sent from the Dalles. With this request Maloney complied, so far as he thought prudent, by sending Lieutenant Slaughter with forty men, by the road the settlers had opened two years earlier, across the mountains, to the headwaters of the Yakima.

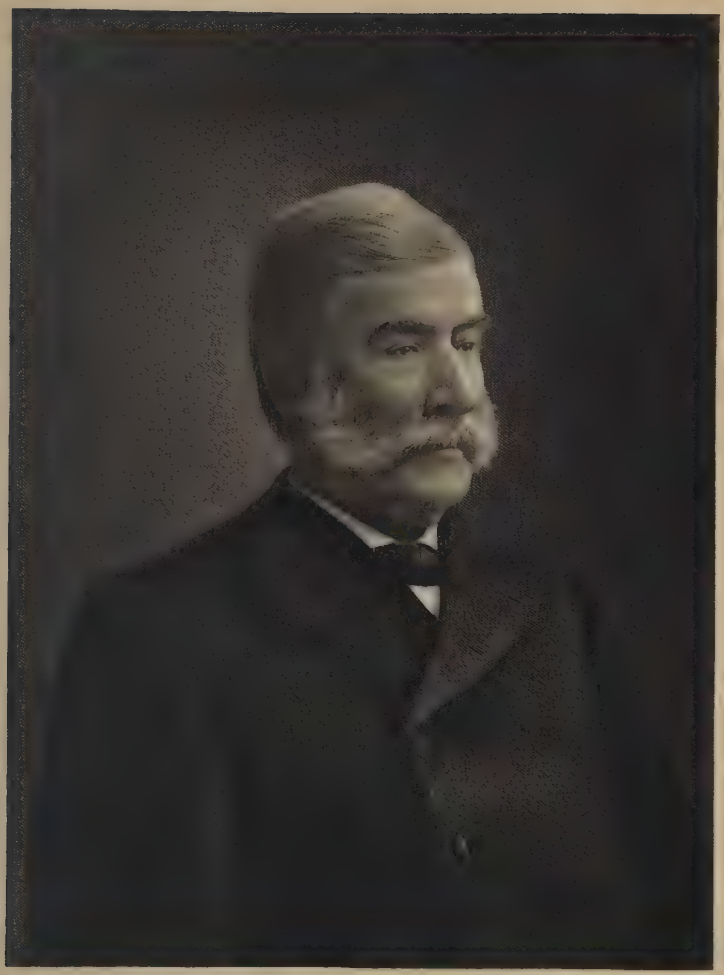
The acting governor then dispatched a second letter to Major Rains, informing him of what Maloney had done, and urging him again to act promptly. To this Rains replied that he approved of Maloney's action, and only regretted that he had not thought it prudent to send a full company with the lieutenant, instead of a detachment. He also sent an order to Haller to proceed northward immediately, but with only one company.

By the time this order reached Haller he had received further information, which he thought justified him in taking the full force with which he had already crossed the river. It consisted of 107 officers and men, all mounted, a pack train with provisions for a month, and a howitzer. It was directed to sweep through the Yakima Valley and coöperate with Slaughter, so far as might be necessary or desirable.

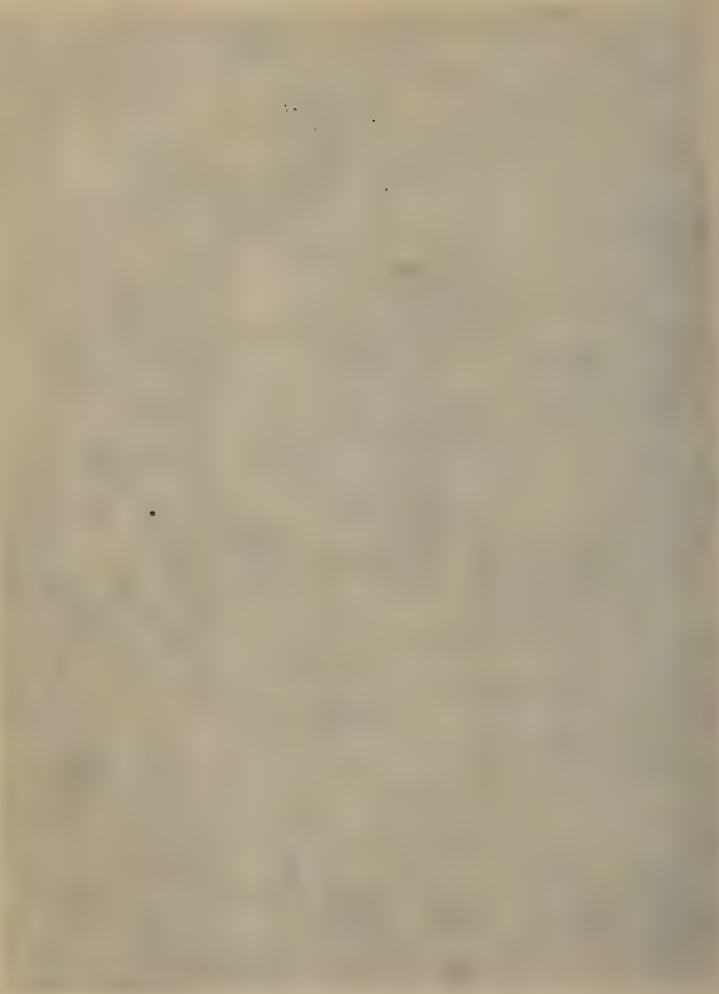
COL. GRANVILLE O. HALLER.

Born in York, Pa., January 31, 1819; commissioned second lieutenant in the 4th regiment United States infantry, November 17, 1839; served in the Florida war during the winter of 1841–42, and with General Taylor in Texas in 1845. Was in the battles at Palo Alto and at Resaca de la Palma, at the beginning of the Mexican war, and was with General Taylor until after the capture of Monterey. His regiment was then transferred to General Scott's column, and he was in most of the battles from the siege of Vera Cruz to the taking of the City of Mexico, and particularly distinguished himself at the Molino del Rey and Chapultepec. He came to the coast in 1852, and was stationed at the Dalles, in 1853. His part in the Indian war and the subsequent history of Washington is fully set forth in the general narrative.

thought prudent, by sending Lieutenant



Granville O. Haller



Just as this expedition was about to start, or soon after it had departed, an Indian brought news to the fort that a large band of Klikitats had crossed the divide, separating the Yakima from the Columbia, and were in the neighborhood of the Cascades, or on the Salmon River, and another force of twenty men was sent off in that direction to investigate. This report proved to be unfounded, but when it reached the Willamette, and the settlements along the Columbia and Cowlitz, it produced the greatest consternation. It was apparently started by the return of the party of Klikitats from the Cathlapootle to their own country, as described by Gibbs, for Haller's party crossed their trail a day or two later, and supposed it to indicate that the Indians were massing to oppose them.

Haller's force left the Dalles October 3d, and proceeded rapidly northward. On the 6th it had crossed the divide, and just as the advance was descending its northern slope, into the valley of one of the upper tributaries of the Simcoe River, it encountered a strong body of Indians, a large part of whom were concealed in the timber growing along the banks of the streams. At some distance, on a high, barren hill, a chief appeared, who called loudly to his warriors, apparently inciting them to action, and they responded with a series of whoops and yells, which convinced the troops that the enemy was present in large force. An effective charge was immediately made, by which the Indians were driven from the timber, and forced back over the hills. The losses of the command at this point were one killed and seven wounded.

The troops now took possession of a high ridge, from which most of the surrounding country could be readily seen. They had advanced so far that there was no longer any timber

beyond them, in which the Indians could conceal themselves, except at one place on the left, in which a number of them had taken refuge. It was apparent that they already outnumbered the troops, and several large war parties soon afterward arrived, which greatly increased their confidence. A battle had begun and the Indians, relying on their numbers, were determined to make a stand. Arrangements were accordingly made, as quickly as possible, to dispose the troops in the most advantageous position. To do this Captain D. A. Russell, who occupied the left of the line, made a charge, with a small force, to dislodge the Indians from the bushes in his front, as they held this point of vantage in considerable numbers, and with some persistence. They were not driven from it without difficulty, and night came on before they were finally compelled to abandon it.

After the wounded had been collected and cared for, the command advanced about a mile, to a more desirable position, on a higher ridge, where it would be more secure against a night attack. It was dark before this position was gained, and from the noise made by the Indians it was, for a time, thought they were preparing to attack. One of the guides who had accompanied the party, made an inspection of their line, and reported that their preparations indicated such an attempt, but no attack was made until after daylight on the following morning.

During the night Major Haller ascertained that the position he now occupied was no doubt defensible, but as it was destitute of wood, grass and water, it was evident that it could not long be held.

On the morning of the 7th the little force found itself nearly surrounded by fully seven or eight hundred Indians, whose numbers were doubled by fresh arrivals during the day.

Taking advantage of an opening in the Indian line, Major Haller sent off a courier to the Dalles, with a request that Lieutenant Day and the forty-four men of the third artillery who remained there might be sent to his assistance.

During all of Sunday the troops held their position, although suffering greatly for water. The Indians at no time attacked them in force, but annoyed them by advancing small parties of skirmishers, which were driven back by repeated bayonet charges. At sunset neither side had gained any particular advantage, but the troops could not much longer maintain their ground without water, and Haller accordingly determined to draw off, during the night, and return to the Dalles. His losses during the day had been two soldiers killed and thirteen wounded, and it was apparent that the retreat would be very greatly encumbered by having to care for these disabled men.

That night all the horses that could be spared were turned loose, much of the baggage and provisions were destroyed, and the troops were safely withdrawn from the position which they had held during the day. But unfortunately the rear guard became separated from the advance, and a halt was made by the column which Haller himself commanded, and which had the wounded in charge, at a short distance from the battlefield, in a place which offered some advantages for defense. Here fires were kindled by the soldiers to notify their comrades of their position, but these also gave notice to the Indians that the troops were escaping, and the fight was almost immediately resumed. Haller's force now amounted to only forty-four effective men, and these, on the morning of the 8th, resumed the retreat. A running fight ensued, which continued nearly the whole day. Near sundown the soldiers made a final charge on their

pursuers, by which they drove them off, and they were not again molested.

Captain Russell's portion of the command was not attacked during the retreat, having taken a separate trail, and therefore escaped the observation of their pursuers. All the wounded reached the Dalles in safety, but the howitzer was spiked and abandoned during the retreat. The total loss, during these three days of fighting, was five soldiers killed and seventeen wounded. The Indian loss was never known, but was believed to have been much larger.

Lieutenant Slaughter learned of the failure of Haller's expedition shortly after he had crossed the mountains, and realizing that his small force would be entirely at the mercy of the Indians should they assemble in force to attack him, he fell back through the Nachess Pass, and took up a position on the White River, from which he reported to Captain Maloney.

Chapter XLV.

THE WAR EAST OF THE MOUNTAINS.

THE news of Haller's defeat, and of Slaughter's retreat across the range, filled the settlers in both territories with alarm. They realized that war was upon them, and that they were almost wholly unprepared for it. It was likely to be a war of the most merciless and distressing kind—a war in which a lurking enemy might be met anywhere, by the roadside, behind any tree, at the border of the settler's clearing, or at the door of his cabin—a war in which those who went forth to fight must leave their wives and children almost wholly unprotected, and perhaps to be butchered by those whom they had heretofore regarded, and perhaps still regarded, as their friends.

For such a war, or for any war, the settlers were but poorly prepared. They would certainly be greatly outnumbered, if all the Indians should join those who had already taken up arms. There were in the two territories, at that time, not more than forty thousand white people, of whom only five thousand were in Washington, where the war was to be fiercest and most general. Of these not more than sixteen hundred were capable of bearing arms. They were scattered in widely separated settlements, from Bellingham Bay to the California line, and from the ocean to the Cascades, along the Columbia, on both shores of Puget Sound, and along the Strait of Fuca. Many of these isolated settlements would be hopelessly at the mercy of their Indian neighbors if they should become hostile. And yet, dangerous as the situation was, there were some who did not realize it, and persisted in believing that no Indians would harm them, or that all Indians were so docile and harmless as not to be dangerous. The confidence of these only increased the difficulties of the situation, since those in authority felt

themselves as much bound to protect them as any others. These settlers were almost without arms. Considering the fact that they had recently come so far with their families, through a wild country which they knew to be inhabited only by wild beasts and savages, it is surprising how defenseless they were in this respect. A few of them had rifles, which had been more or less neglected and unused since their arrival in the territory; some had shotguns, old army muskets, or guns of even more ancient and useless pattern, all more or less valueless for purposes of war. The territory had no arms, those which the national government would otherwise have provided having been refused by Secretary Davis, when Governor Stevens had asked for them, on the ground that no militia had been organized to receive them, as the act of Congress required.

The few troops which the national government had sent into the two territories were wholly insufficient for their protection. At Fort Steilacoom there were two companies of infantry, of 152 men; at Fort Vancouver two companies of infantry, 194 men; at the Dalles three companies, two of infantry and one of artillery, 231 men; at Fort Lane, in the Rogue River Valley, two companies of dragoons, 115 men; and at Port Orford one company of artillery of 47 men, making a total of 741 men. In addition to these Lieutenants P. H. Sheridan and R. S. Williamson had recently arrived at Vancouver, with an escort composed of a small detachment of dragoons and about 100 soldiers belonging to the Fourth Infantry, which had been sent up from California as an exploring expedition.

Inadequate as this small force was for the defense of the settlers, it was made still more so by the incompetence of its principal officers. The commander-in-chief was Major

General John E. Wool, whose headquarters were at Benicia, California. He was now nearly seventy-two years of age, having been born February 20, 1784. But he was a tough old soldier and eight years later was still rendering his country good service in the war between the States. He had seen service in Mexico, but had had no experience in Indian warfare. He wholly misunderstood the character of the uprising in Washington and Oregon, and from the first persisted in believing that the troubles were designedly caused by the settlers themselves, and that the Indians were blameless. He was not a graduate of West Point, and was apparently more or less influenced by that feeling which subsists in the army between those who have graduated from that institution and those who have not. He had taken a special dislike to Governor Stevens, who, it is said, while in San Francisco, on his return to the territory with his family in 1854, had offended Wool by disputing some pretension made by him, at a dinner party, at which several other officers were present, to have won the battle of Buena Vista. The offence thus given promised, at a later time, to be the cause of almost as many woes to the people of Oregon and Washington, as the dispute between Agamemnon and Achilles had brought upon the Greeks at the seige of Troy.

The active command at the beginning of hostilities fell to Major Gabriel J. Rains, an officer of no great capacity. He lacked enterprise, the first and great qualification of the successful soldier, and failed to command the respect of his troops for that reason and, as General Sheridan says, because of "a general belief in his incompetency." He wasted his opportunities, and seemingly concerned himself about matters of form, rather than about inflicting serious injury on the enemy. His one campaign was a failure, and he

quickly returned to his headquarters, leaving the war to be prosecuted by the volunteers.

After Haller's defeat he called upon the governor of Oregon for four companies of volunteers, and upon Governor Mason for two. These were promptly furnished; indeed both governors did more than he asked of them. Governor Curry, of Oregon, called for eight companies, which were assembled and sent forward to the Dalles, where it was expected Rains would furnish arms for them, and where they arrived quite as soon as he was ready to receive them. Governor Mason raised two, one at Olympia, commanded by Captain Gilmore Hays, and one at Vancouver, under Captain William Strong. Another special company was enlisted to be commanded by Indian Agent B. F. Shaw, which was to be sent to the rescue of Governor Stevens, then known to be returning through the hostile country, from his council with the Blackfeet, and about whose safety the settlers, in both territories, were considerably concerned.

The Washington volunteers were mustered into the service of the United States, but those of Oregon were not. Governor Curry seems, even thus early, to have distrusted the regular officers. There had been ample opportunity for him to observe their conduct in southern Oregon, where the Indians had been more or less troublesome since Governor Lane's time, and it is quite possible, as was charged at the time, that his purpose was, in calling for eight companies instead of the four asked for, to raise a force large enough to entitle it to be commanded by an officer who would outrank Rains. If this was his purpose it was amply justified by events.

Major Rains' letter to the governors, asking for volunteers, was dated October 9th, and Governor Curry's proclamation,

calling for eight companies, was issued on the 11th, or as soon as it was received. By the 19th enough men had been enlisted to justify the election of regimental officers, and several of the companies had been sent forward to the Dalles. At the election J. W. Nesmith was chosen colonel by a practically unanimous vote, J. K. Kelley lieutenant-colonel, A. N. Armstrong first major, and N. A. Chinn second major.

When the volunteers arrived at the Dalles Major Rains refused to accept more than the four companies he had asked for. He was naturally displeased because they were not to be mustered into the United States army, and placed under his command. But he was certainly more displeased because the officer who would command them would have a title superior to his own, and a command proportionately larger. Rains was one of those soldiers who fancy that their own importance is determined by the style of the shoulder straps they are entitled to wear and that their place in history will be fixed by the number of men they may sometime command, rather than by the use they make of them. He refused to issue arms, or supplies of any sort to the volunteers unless they would be mustered, and several letters were exchanged between him and Colonel Nesmith in regard to this matter. Nesmith offered to give him his own and other security for the arms, camp equipage, and other supplies that the soldiers were in need of, but Rains persistently refused to issue them, and urged Nesmith to permit four of his companies to be mustered into regular service, with himself as their commander, with the title of major, as that number of men would justify. But this Nesmith refused, as he was compelled to do, since he was under the orders of the governor, and the volunteers had been enlisted under assurance that they would be commanded by their own officers, and because he

believed, and with reason, that the volunteers called for were no more than would be needed during the campaign.

Nesmith promptly informed Governor Curry of the difficulties he was encountering, both with Rains and in getting his supplies up the river, and he was efficiently supported both by the governor and his staff. By their energetic action most of the difficulties in the way of arming and supplying the volunteers were overcome, and they were ready to move into the hostile country almost as soon as Rains and his troops were, although they were already enlisted, armed, equipped, drilled and on the ground before the volunteers were called for.

Acting Governor Mason was early informed of the controversy between Rains and Nesmith, and attempted to solve the difficulty by appointing Rains a brigadier-general of volunteers. This appointment was apparently received with much satisfaction and was promptly accepted, though the effect of it was to increase his authority, importance and efficiency in no respect except in his own estimation. Indeed, it seems rather to have been a detriment than otherwise, since Sheridan says: "The command was not in accord with the commanding officer because of a general belief in his incompetency, and on account of the fictitious rank he assumed."

While this correspondence was going on, Nesmith's attention was directed to the possible need of sending a force up the river to the Walla Walla country, at the same time that the main expedition moved into the Yakima Valley, something that Rains apparently took no thought about. Nesmith consulted about this matter with Major Haller, but the latter thought the number of the enemy in the latter region would be such as to call for the presence of the entire force, both

volunteer and regular. Rains was of this opinion also, as he wrote Nesmith: "We are too few, now, to meet the enemy, multiplied wonderfully, as we have reason to think, since the check of the troops in the field." And yet, too few as they were, he was still more concerned to have Nesmith put himself under his own command, with four hundred of his volunteers, than to have the hearty coöperation, which Nesmith promised, of the whole eight companies.

Events soon demonstrated that there was urgent need for troops in the Walla Walla country. On learning of Haller's defeat Nathan Olney, the Indian agent, had hastened from the Dalles to Fort Walla Walla, in order to prevent, if possible, a combination of the Indian tribes in that neighborhood—comprising the Walla Wallas, Umatillas, Cayuses, Palouses, and the disaffected among the Nez Perces—from forming a combination with Kam-i-ah-kan. He also took with him the $500 which the commissioners had promised, at the Walla Walla council, to pay to Peo-peo-mox-mox as soon as it could be got to him, and he confidently hoped by making this payment, to convince that sordid savage of the good intentions of the Great Father, and that the government intended, on its part, faithfully to carry out all the provisions of the treaties.

On arriving at the fort he found this chief and his tribe encamped on the west side of the Columbia near the mouth of the Yakima, a circumstance which was certainly alarming, although under the treaty he had a right to be there, as he was authorized to establish a trading house at that point. But it was evident enough that he had not gone there with so many of his warriors, at that time, for purposes of trade. Olney's suspicions were confirmed by learning that the old chief had declared that his lands had not been sold,

and that he would not permit any white settlers to invade them.

After conferring with James Sinclair, the trader in charge of Fort Walla Walla, which was still a Hudson's Bay post, Peo-peo-mox-mox was sent for, and told that Olney had brought with him the money and goods which Stevens and Palmer had promised should be paid him. But he was unwilling to receive them, repudiated the treaty, said he would receive neither money nor goods, and that he wanted the whites to leave his country. His conduct was so defiant that both Olney and Sinclair became alarmed, and after the chief had departed they determined, after carefully considering the situation, that the fort should be abandoned, and all the ammunition in it, as well as everything that could be used for war purposes, destroyed. All the powder at the place was thrown into the Columbia, to prevent its falling into the hands of the Indians, and Olney gave Sinclair an official receipt for all the goods in the fort, relieving him of all responsibility for their loss. These goods were valued at $37,000, and there was a considerable stock of government stores in addition, which had been left there by Governor Stevens when he started for the Blackfoot country. Unfortunately these were not destroyed, and most of them fell into the hands of the Indians, who were thus enabled to begin the war better clothed than they ever had been in their lives, since they promptly pillaged the fort after Olney and Sinclair and the Hudson's Bay employees had abandoned it.

Before leaving for the Dalles, Olney issued a general warning to the white settlers in that part of the territory, nearly all of whom were old Hudson's Bay men, notifying them that the Indians were about to begin war, and advising them to prepare to leave the country as soon as a military

escort, which he had asked to be sent from the Dalles, should arrive. Meantime they were to take such precautions as might seem best calculated to insure their own safety. He also cautioned them against showing any unnecessary alarm by making their preparations too openly, as that might cause an immediate outbreak.

This warning was issued on October 12th, one day after Governor Curry had made his call for volunteers. Two days later Narcisse Raymond sent a letter to the commanding officer of the volunteer force, which he, for some reason, supposed to be on the way to the Walla Walla Valley, saying that Peo-peo-mox-mox was now openly showing his hostility, and had begun active war on the Americans. He had taken possession of the abandoned fort and pillaged it, taking both the Hudson's Bay and government property which it contained, and had removed his whole force, then thought to consist of a thousand warriors, to the south side of the river. The young men of the Umatillas were also for war, though most of their chiefs were still undecided, but two of them, with their people, had joined the Cayuses, and were doing all in their power to induce them to expel the Americans. The chiefs in the Walla Walla Valley, where he himself resided, were still opposed to war, and would not, he thought, join the hostiles. Their conduct since Mr. Olney's departure had been commendable, and they had done all they could to prevent Mr. Brooke's house, near Waiilatpu, from being burned and pillaged, but they had not succeeded.

So far as he could learn, the Nez Perces would not join in the war. He had seen Joseph and Red Wolf, and both had assured him that they would suffer no hostile Indians to remain among them.

He had been informed that it was the intention to send a force of only one hundred and fifty men into that country. As affairs then stood, he was convinced that this force would not be sufficient. He and his neighbors were few in numbers, and entirely without arms or ammunition, and their situation was daily becoming more serious. The sooner assistance was sent the better, for Peo-peo-mox-mox was daily threatening to burn their houses and kill them, and he was not the only enemy they had to treat with.

From this information, as well as from that brought by Olney, it was evident enough that Nesmith was right in suspecting that a force ought to be sent up the river into the Walla Walla country, as soon as possible. But the purpose, both of Governor Curry and Governor Mason, as well as of all the volunteers themselves, was to coöperate with Major Rains in whatever he should think it expedient to do. They were willing to be guided by him, so far as he showed ability and willingness to make a successful campaign, and protect the settlements from hostile invasion, but they were not disposed to put themselves at the mercy of his incompetency or inactivity.

Rains was not ready to move northward, from his camp opposite the Dalles, until October 30th. So deliberately had his preparations been made, that by that time Nesmith and his volunteers were quite as ready to advance as he was. On that day a start was made with 350 regulars, and six companies of volunteers, all mounted, and with provisions for twenty days. A few days later, two other companies of volunteers joined these, increasing Nesmith's command to 553 men.

The objective point for which the expedition started was Father Pandozy's mission on the Ahtanum, which, Sheridan

says, "could be reached by two different routes, and though celerity of movement was essential, our commanding officer strategically adopted the longer one, and thus the Indians had ample opportunity to get away with their horses, cattle, women and children and camp property." On the second day Sheridan, with his twenty dragoons, struck a small body of Indians, but was unable to do them any particular injury, beyond getting possession of a considerable quantity of their winter food, which they were compelled to abandon. The whole command halted to learn the measure of his success, and then resumed its march into the lower Yakima Valley. As they entered it, a few Indians were seen, who were pursued for some distance, but none of them were captured, nor was any considerable number discovered.

On the following day the march was resumed, up the valley parallel with the river, and shortly after noon a large war party was discovered on the opposite bank. Preparation was made to cross and attack them, but the river was cold and deep and swift, and none of the troops got over except Sheridan's dragoons. "The troops made a rush into the water," says Major Rains, in his report, "but, being on foot, tried again and again to cross the river, but failed, the swift current sweeping away two of their best men, who were thus drowned; whereupon I sent back to Colonel Nesmith for two companies of his soldiers, who, with the dragoons, drove headlong into the foaming torrent and, reaching the opposite shore, charged the enemy, who fled away over the hills, one of their balls striking, but fortunately not wounding, Colonel Nesmith's horse." Sheridan, being in advance, got over ahead of the volunteers and, because the regulars could give him no assistance, was, for a time, in a most precarious situation, but dismounting his men he received the

savages, who immediately assailed him, with a fusillade, which, he says, "brought them to a halt, with some damage and more or less confusion."

As soon as Nesmith and the volunteers got over, the Indians fell back to the crest of a high ridge, on which they made many hostile demonstrations, threatening to charge down its face. According to Sheridan they numbered about six hundred, and "although the chances of whipping them did not seem overwhelmingly in our favor, yet Nesmith and I concluded we would give them a little fight, provided we could engage them without going beyond the ridge." But their efforts to bring on a battle were not successful, for if they advanced the Indians retreated, and if they drew back the Indians reappeared and renewed their noisy demonstrations, "beating their drums and yelling lustily." It soon became apparent that these noisy demonstrations were kept up only to cover the escape of the women and children to a place of safety in the mountains, and when this had been accomplished the Indians retired, and the troops recrossed the river and went into camp.

Next morning both the regulars and volunteers moved northward, but without crossing the river. Later in the day the Indians crossed, and rapidly moved ahead of the troops, leaving behind small parties of their boldest warriors to retard the advance as much as possible, by opening fire at long range, from such places as offered them concealment. This did but little harm, but it so far retarded the advances that, as General Sheridan says, "the patience of everyone but Major Rains was well-nigh exhausted."

About two o'clock in the afternoon a range of hills was reached, coming down close to the river on either side, and Rains decided to go into camp, as it was growing late, although

Sheridan, and perhaps others, thought there was still time to accomplish something if proper effort was made. Sheridan proposed to make a charge, with the dragoons, through the lower canyon along the bank of the river, while the infantry should charge up the hill, and drive the enemy down the other side. In this way he thought they might catch some of the fugitives, and perhaps inflict more serious damage. But Rains refused to have anything done, and so the tents were pitched, out of range of the Indian fire, but near enough to observe their menacing and tantalizing demonstrations. These they kept up until late in the afternoon, when some of the officers and many of the men could endure it no longer, and without waiting for orders, made a charge on their own account upon the offending savages. As soon as "this mob" as Sheridan calls it, got within range, they opened fire, and the Indians ran down the opposite face of the ridge, without offering any resistance. The hill was thus taken by this most unmilitary operation, and no one was hurt on either side. But Rains would not permit it to be held, and the soldiers lighted a large bonfire on its crest, in celebration of their victory, and then marched back to camp. But they had no sooner returned than the Indians reappeared on the summit, and exultingly warmed themselves at the fire which had been so generously built for their benefit, renewing their taunts and gestures of defiance, for the aggravation of their enemies, who were only restrained from making another onslaught by their unwarlike commander.

During the night the camp was strongly picketed but the Indians made no attempt to attack it. In the morning they still held their position on the hill, and at daylight the troops began another advance, two or three companies moving forward to drive them from the summit, while the main

column led by Sheridan passed through the narrow canyon into the upper Yakima Valley.

This incident, which can scarcely be called a battle, or even a skirmish, took place at the eastern end of the high ridge which skirts the southern bank of the Ahtanum, and approaches the Yakima River so closely that the Northern Pacific right of way occupies nearly all the space between its eastern end and the river bank. It is only a short distance south of the old town of Yakima.

When the troops had passed cautiously through this narrow defile, the Indians had entirely disappeared from their front, except one old man, whose lame horse had prevented him from keeping up with his flying companions. This unfortunate was killed by the Indian guide who accompanied the expedition, before Sheridan's troops could prevent such a pitiful murder. The Indians were pursued during the remainder of the day, and as evening approached, the troops went into camp a short distance from Father Pandozy's mission, where Rains apparently intended to wait till reinforced by Captain Maloney's company, from the direction of the Nachess Pass.

The mission had been plundered by the Indians, before the troops arrived, and little of value was left in or about it, except a considerable herd of hogs which the priests had succeeded in accumulating, and some potatoes and cabbages in the garden. The soldiers helped themselves to these, and while digging the potatoes some one discovered part of a cask of powder, which had been buried in the garden, probably to prevent it from falling into the hands of the hostiles. But some of the soldiers assumed that it had been buried by the priests to supply the Indians, and, before the officers could prevent it, the mission buildings were set

on fire and entirely destroyed. They consisted of a log house of considerable size, which had been used for a school and church, and of a smaller cabin in which the priests had made their home. Another house near by, which had been Kam-i-ah-kan's home, was also destroyed.

As no news was received from Captain Maloney during the day, Colonel Nesmith and Sheridan were ordered to advance up the river, with a considerable force, to relieve him in case he should have been attacked by the Indians, which the troops had not been able to overtake. They started early on the following morning. Snow was falling as they left camp, and the storm increased during the day, until so much snow had fallen that it became impossible for the horses to travel through it. At nightfall camp was made, some distance above the mouth of the Nachess, and in the morning the volunteers found themselves buried under a heavy blanket of snow. Further progress now being impossible the detachment returned to camp at the mission.

It was now apparent that the hostile Indians had left the valley. It seemed possible that most of them had gone northward to the Okanogan country, or perhaps westward to attack the settlements on the Sound, and as the troops could not follow them, nor could they subsist where they were, there was nothing to do but return to the Dalles. Preparations for the retreat were accordingly made, and the command started by the short route across the divide. The storm continued, and it was evident from the first that the march would be a most difficult one. But this difficulty would be increased by delay, as the snow was rapidly becoming deeper, and it was feared that on the divide it would be found so deep as to make marching difficult, if not impossible. Provisions were running low, and for that reason it was

necessary to make the utmost expedition. Nesmith's soldiers took the advance, followed by Sheridan's troopers. While in the valley they made fairly rapid progress, but as they neared the top of the divide every step they took showed the snow to be growing deeper. When the summit was finally reached it was found to be covered to a depth of nearly six feet, concealing all signs of the trail so thoroughly that the guides became bewildered, and took the wrong direction. After Nesmith had made his way with much labor across the plateau, he found that he was compelled to return, which he did with much loss of time. The work of breaking a new road was then begun, and proved to be most laborious, "exhausting men and horses," as Sheridan says, "almost to the point of relinquishing the struggle, but our desperate situation required that we should get down into the valley beyond, or run the chance of perishing on the mountains, in a storm which seemed unending. About midnight the column reached the valley very tired and hungry but much elated over its success."

The difficulties of the retreat were now over and in due time the expedition reached the Dalles, where, according to Sheridan, "almost everyone connected with it voted it a wretched failure." Rains blamed everyone but himself and, as often happens in such cases, charges were preferred against some of the officers, who, in turn, preferred charges against Rains, but nothing came of it all, as nobody was ever tried.

While this expedition was engaged in its inglorious campaign in the Yakima country, Major Chinn, with two companies of the Oregon volunteers, had started from the Dalles along the south bank of the river from the Walla Walla country. They arrived at Wells' Springs on the 17th, and there

Chinn received the letter from Narcisse Raymond, informing him of the threatening state of affairs in his neighborhood. Feeling that his force was not strong enough to afford relief to the settlers, he advanced only to the Umatilla River, where he built a fort which he called Fort Henrietta, in honor of Mrs. Granville O. Haller. Here he found an abundance of water and timber, and enough grass for his animals, and, feeling that he could successfully meet any attack that was likely to be made on him at that point, he determined to wait there until reinforcements should come up.

From the beginning Colonel Nesmith had hoped that, at the conclusion of the Yakima campaign, he would be able to march down the river to its mouth, where he was confident the troops were more urgently needed than in the neighborhood of Father Pandozy's mission. Before commencing the retreat, he had consulted with his officers about the advisability of attempting to carry out his original plan, but it had been deemed best, by all concerned, to fall back with the regular troops to the Dalles, and be governed by the information they should find there upon their arrival.

The news from Chinn, as well as that received from other sources, indicated that he might be in urgent need of reinforcements. After pillaging Fort Walla Walla, the Indians had burned the Umatilla mission, and the houses of several settlers, and driven away the cattle of Brooke, Bumford & Noble. It was also learned that Peo-peo-mox-mox had boastingly sent word to Governor Stevens, who he then knew to be returning from the Blackfoot council through the country of the Spokanes, that he intended to kill him and take his scalp. This message had been sent by a slave who had been promised his liberty if he delivered it, and it was delivered.

Colonel Nesmith immediately sent forward three companies to Chinn's relief, numbering 175 men, under the command of Captains Munson, Wilson and Cornoyer. He also applied to Major Rains, and to General Wool, who had then recently arrived at Fort Vancouver, for two howitzers, with ammunition and artillerymen to man them. But Rains would not grant this request, nor would Wool, although he might have done so without difficulty, as he had brought with him from San Francisco three hundred tons of stores and ammunition, together with two thousand stands of arms.

In addition to his advancing age, the general was not then in good health, but this doesn't seem to have been his sole reason for refusing this request, or for leaving the campaign to be prosecuted entirely by the volunteers. He had apparently made up his mind, before leaving San Francisco, that the war was already unnecessary, and no evidence to the contrary, or appeals for assistance, could move him from his determination to do nothing. In the preceding May, Governor Stevens had written him a long letter from the Walla Walla council grounds, giving in detail information from his own observations, and from the reports made to him by his Indian agents, in regard to the numbers and location of the various tribes, and their disposition, as well as the topography of the country, and the advantages it offered for a military station. In this letter he had strongly urged that the greater portion of the troops assigned to the territory should be stationed there, because the location was central, and a force there could be most effectively used to control the hostile tribes and protect the immigrants. The information and suggestions which this letter contained, coming from a man of Stevens' observation and experience, would have been welcomed by any unprejudiced officer. That it was most

excellent, subsequent events amply demonstrated. But the fact that Stevens had offered it seems to have been sufficient reason for Wool to disregard it. He immediately withdrew all the regulars into garrison, and left the campaign to be prosecuted by the volunteers, without giving or offering them the assistance of even such arms, supplies and camp outfit as he might easily have furnished. He ordered the Washington companies, which had been mustered into the service of the United States, and thereby placed under his control, to be disbanded, and would undoubtedly have disbanded the Oregon volunteers, but for the fact that they had not been mustered, and he had no control over them. He even disbanded the company which B. F. Shaw commanded, and which had been raised for the express purpose of going to Governor Stevens' assistance, and sent a messenger to the governor advising him not to return through the Indian country, but to make his way back through the Eastern States to the Atlantic, and return by way of Panama.

Being left thus to their own resources the Oregon volunteers were compelled to abandon the campaign, as the regulars had done, or continue it with the insufficient arms, clothing, camp outfits and other supplies they then had, or which the territory could furnish them. Some of the men had returned from the campaign in the Yakima country in a disabled condition. They had not been provided with suitable clothing, or tents to protect them from the inclement weather which they had encountered. All of them had suffered severely. "Many of the men were frostbitten on the late expedition," says Nesmith in his report, "and can hardly be called fit for duty." Many of their horses were also disabled. There was much complaint among them because they were so poorly provided for, and because of the arduous

service they were required to perform. Some of them asked to be discharged, and some were discharged, upon recommendation of the surgeon. Some who had urgent business, requiring their personal attention, were furloughed for a short period, and the remainder were sent forward to the Walla Walla country as rapidly as they could be made ready.

On the 28th of November Lieutenant-Colonel Kelly, with the companies of Captains Bennet and Cornoyer, left the Dalles for Umatilla, and two companies under Major Armstrong were stationed on the Columbia, in the vicinity of the Des Chutes and John Day rivers. Nesmith turned over the command to Kelly, who assumed control of operations in the field. When he arrived at Fort Henrietta, with the two companies above mentioned, his force amounted to 475 men. With these he immediately began preparations to advance into the country of the hostile tribes. By the evening of December 2d he was ready to march, and as soon as it was dark the command moved out, leaving a guard of only twenty-five men to protect the fort. By daylight, on the morning of the 3d, the Walla Walla River was reached, and camp was made near the fort which had so recently been abandoned, and which had now been pillaged, and its buildings and furniture much defaced.

On the morning of the fifth a party of Indians appeared on the opposite bank of the river, with their camp outfits, and so much other baggage as to indicate that they were on their way to join the hostiles, with a considerable supply of provisions. As there were no boats by which the troops could cross the river to attack, a small detachment was sent to take post on a low point, which projected so far into the water as to give some hope that they might there be

within range of the enemy. Here they opened fire, which was returned, but, owing to the width of the river, it was without effect on either side.

While this skirmish was going on, a party of about fifty warriors appeared on the hill north of the camp but did not attack it and, after surveying it for a long time from a safe distance, moved off toward the north. Colonel Kelly had already received information that the main camp of the Walla Wallas and their allies might be looked for in this direction, and accordingly made preparations to move out to the attack. Directing Major Chinn, with two companies, to move the baggage and supplies up the river to the mouth of the Touchet, and there await the return of the main force, he started at daylight next morning, with two hundred men, in search of the hostiles. His march was without incident until late in the afternoon, when, as Captain Cornoyer, who was in advance, was approaching the Touchet, at a point some twelve or fifteen miles above its mouth, he was met by Peo-peo-mox-mox and five or six other Indians, who displayed a flag of truce, and asked for a parley. They were on horseback, and were accompanied by a considerable number of other Indians, also on horseback, who were at first concealed by the hill on top of which the old chief and his party had halted, but who, as the parley proceeded, gradually advanced, extending their line so as to enclose Cornoyer and the few soldiers who were with him. Observing this, the captain leveled a rifle at the chief's head and declared he would shoot him, in defiance of his flag, if the advance was not immediately stopped. This had the desired effect. The old chief shouted an order to his warriors, who immediately halted, dismounted, and each stood beside his horse. Their position was such that they might remount

in a moment and kill Cornoyer and his party, or take them prisoners, but his coolness, the certainty that he would carry out his threat, and perhaps the knowledge that Kelly and the remainder of the command were within sound of their rifles, should an attack be made, restrained them.

Seeing that this small advance guard was not to be taken by surprise the old chief demanded to know if Agent Olney was with the party. He was told that he was not, but that he was coming up with Colonel Kelly and the main command, and would soon arrive. With this information he expressed satisfaction, saying that he would understand better than anyone else what he wished to make known. Olney, accompanied by Kelly and some others, soon came up, and to them the old chief declared that he was no longer in favor of war, and his people did not wish to fight. He wished to make peace, and proposed that the troops should remain where they were, and that he would come on the following day and make a new treaty.

Suspecting that this was only a ruse to gain time to remove the women and children in his camp out of the reach of danger, and make ready for battle, Kelly told him he had come to chastise him for the outrages he had already committed, and that he would attack his camp immediately, unless he and the five or six other Indians who were with him would give themselves up as hostages and remain with his command until all difficulties were settled. "I told him," Kelly says, in his report, "that he might go away under his flag of truce, if he chose; but, if he did so, we would forthwith attack his village. The alternative was distinctly made known to him; and, to save his people, he chose to remain with us, as a hostage, for the fulfilment of his promise, as did also those who accompanied him. He at the same

time said that on the following day he would accompany us to his village; that he would then assemble his people and make them deliver up all their arms and ammunition, restore the property which had been taken from the white settlers, or pay the full value of that which could not be restored; and that he would furnish fresh horses to remount my command, and cattle to supply them with provisions, to enable us to wage war against other hostile tribes who were leagued with him. Having made these promises, we refrained from making the attack, thinking we had him in our power, and that on the next day his promises would be fulfilled. I also permitted him to send one of the men who accompanied him to his village, to apprise the tribe of the terms of the expected treaty, so that they might be prepared to fulfil it."

This is the story of this famous conference, as Kelly gives it, but some of the volunteers who are still living say that he was, at one time, so far convinced of the genuineness of the old chief's pretensions, that he accepted his invitation to go with him to his camp and hold the conference there. The volunteers were without provisions or tents, all their baggage having been sent with Chinn to the mouth of the Touchet. The weather was growing colder, and snow was beginning to fall. As no provisions were to be had except in the Indian camp, and its principal chief had promised to supply them, it seems probable that Kelly would try to procure them if he could. It was while on the way to the hostile camp, Kelly and his small escort and the Indians riding together, and just as they were entering a dangerous defile in the hills, that Olney, or the interpreter, overheard Peo-peo-mox-mox making some remark to one of the Indians with him, in a language which he had not before used during

the conference, and which he doubtless hoped none present would understand, indicating that he was leading the party into an ambush. Instantly the alarm was given and the Indians were made prisoners.*

The party now returned to camp. The volunteers who were tired, hungry, and without fire, tents or sufficient clothing, while the night was cold and snow falling, were in no very good humor to guard prisoners who had thus deceived them. Some wished to have them shot; some were for moving immediately to attack the Indian camp. But discipline was maintained, and the troops passed a very miserable night. Their discomforts and annoyance were increased by Indians who approached near enough to the line of sentinels, during the night, to call to the prisoners and be answered by them. What they said was not understood by any of the interpreters present, but the meaning of it was discovered soon after daylight, when it was found that the Indians' camp had been abandoned, and all the provisions and cattle, which the prisoners had so generously promised the night before, removed beyond reach.

Undoubtedly the arrangements for removal had been made, or notice of it, and of the direction the fugitives had taken, had been conveyed to the prisoners by the conversations carried on with them during the night. In fact one of the prisoners, who was a Nez Perce, told Kelly that, instead of sending word to his people to come in and make peace, Peo-peo-mox-mox had directed them to remove the women

* Mr. A. B. Roberts, who is still living in Walla Walla, and who was a member of Captain Bennet's company, and one of the guards who had Peo-peo-mox-mox in charge during the night after he was made prisoner, gave me this account of how he was taken, and what followed, substantially as given here. Also see Lang's "History of the Willamette Valley," pp. 414 and 415.

and children and prepare for battle. When the troops visited the camp they found it deserted. Every scrap of provisions had been removed, and all the cattle driven away, while, from the tops of distant hills, a considerable number of Indians looked down upon the hungry soldiers in their discomfiture. Colonel Kelly sent messengers to these, urging them to come in and make peace, but his invitation was not accepted and, after remaining in the camp until noon, or a little later, he started south to rejoin Chinn at the mouth of the Touchet. "I am well persuaded," says Colonel Kelly, "that he (Peo-peo-mox-mox) was acting with duplicity and that he expected to entrap my command in the deep ravine in which his camp was situated, and make his escape from us." The surviving soldiers say the place was admirably chosen for an ambuscade, and that they found abundant evidence that one had been prepared for them. Had they advanced only a little farther into the defile before taking the alarm on the previous evening, the whole party would easily have been massacred.

From the mouth of the Touchet Kelly intended to march to the neighborhood of Whitman's old station and there establish a permanent camp. But he was to have four days of more or less continuous fighting before he could begin these arrangements.

On the morning of the seventh, Companies H and K crossed the Touchet, leading the column, and when formed on the plain, were joined by Company B. A few soldiers in front were driving the cattle, and a few others were on the flanks, near the foot of the hills that extended along the river. Some Indians appeared in front, and in a short time the whole column, except those detailed to guard the baggage, were in full pursuit of them. But they were

reinforced as they retreated. The soldiers kept up a running fire as they advanced, which was returned by the retreating Indians. Finally, at the house of a settler named La Roche, which was about eight miles up the Walla Walla from the point where the chase began, the Indians made a stand, their left resting on the river, covered with trees and underbrush, their center occupying the flat covered with clumps of sagebrush and small sand knolls, and their right on the high ridge of hills which skirt the river bottom.

When the forty or fifty volunteers who were best mounted came up to this point, the Indians received them with a sharp fire from the brushwood and willows along the river, and from the sagebushes along the plain. Some were wounded by this fire but none were killed. The line fell back, and for a moment the situation was critical. But the volunteers rallied quickly and an order was given to cross the fence which surrounded the field, and make a charge. In executing this order, Lieutenant Burrows of Company H was killed, and Captain Munson of Company I, Isaac Miller, sergeant-major, and G. W. Smith of Company B, wounded.

At this moment Captain Wilson, with Company A, came forward at a gallop, dismounted at a slough, and with fixed bayonets pushed on through the brush. In the course of half an hour, Captain Bennet was on the ground with Company F, and with this accession, the enemy were steadily driven for some distance, when they took possession of a settler's cabin, which was surrounded by a close fence, and in attempting to carry it Captain Bennet and Private Kelso were killed.

The fire from the cabin became so destructive that the volunteers began to fall back, but some members of Company

F, who were unwilling to leave their captain where he had fallen, made a charge to recover it, and their brave conduct had the effect of checking the retreat, and recalling the rest of the line to its work. The fight soon became the hottest in which the volunteers had so far engaged, but they now stood manfully to their work.

Everywhere along the whole line of retreat, so far, the Indians had been cheered on to their work, every time they had made a stand, by a crowd of their friends, who followed the battle along the top of the ridge north of the river, and who always carefully kept themselves out of range. This crowd was composed, for the most part, of non-combatants. They were the old men, the women and children, though there were many able-bodied warriors among them who were doubtless without arms that could be made serviceable in the fight. They were, however, taking as active a part in the contest as seemed possible, and the volunteers were quite as much exasperated by their presence and conduct, as by the more efficient enemy in their front. In several of their charges they had hoped to come within range of this part of the enemy, but had not been able to do so. When the line fell back, after the death of Captain Bennet, this howling mob was emboldened to approach nearer than it had done before, to the thin line of the volunteers, and at this moment a small howitzer, which had been found under the floor at Fort Walla Walla, was brought up and placed in action. It was without a carriage, or any convenience for loading or handling it. But under command of Captain Wilson it was quickly placed on end; one volunteer dipped into it a few double handfuls of powder, from an open bucket in which it had been brought on the field, and another put on top of this a

few handfuls of bullets from a similar magazine, and the whole was rammed down as well as it could be with a stick. It was then placed on a small hummock and aimed at the crowd on the hill. The first discharge had some effect, but how much the soldiers could not tell. There was a momentary scattering, but so far as appeared not much permanent damage was done, as the yelling was almost immediately resumed, as vigorously as ever, and there seemed to be no permanent diminution in the numbers of the shrieking party. The piece was again loaded, as before, and fired with similar results, and this was repeated until at the fourth discharge it burst, wounding Captain Wilson. The volunteers in their excitement, having no measure to gauge their charge, had overloaded it. Years afterward they were accused of slaughtering women and children indiscriminately in this battle. If they did so it was done with this old cannon, and while they were doing all they could do, to urge on the battle.*

Soon after the howitzer was brought into action the Indians began to give way along their whole line, the house and the enclosed space about it were retaken, and all the wounded and the bodies of the dead recovered. This position was held until nightfall, when the volunteers withdrew to their camp.

While the battle at this point was at its fiercest, the La Roche cabin was converted into a hospital, and the wounded, as they fell, were removed to it. The Indian prisoners, who had been taken on the evening of the fifth, and carried along under guard during the battle, were also kept near

* This description of the use made of the howitzer in this battle was given me by Mr. A. B. Roberts, above quoted, who stood near it when it exploded. C. A. S.

it. They became greatly excited as the fighting progressed, especially when the volunteers began to give way, and the howitzer was brought into action. Their guards felt none too kindly toward them. Peo-peo-mox-mox had been shouting to his warriors, whenever it seemed possible that he might make himself heard, and more than once the soldiers, as they passed, had suggested to the guard that they "shoot the damned Indians." As their conduct became more and more turbulent, it seemed probable that they might have to do this, or bind them to prevent their escape. At length a wounded soldier came back from the front, with an arm hanging helpless by his side, bringing the unwelcome news that Captain Bennet had been killed, and this added to the excitement of all concerned. Some one shouted: "Look out, or the Indians will escape"; a volley from the rifles of the guards followed, and the old chief and two of his companions were stretched dead upon the ground. A fourth was stunned by a blow from a musket, and so badly wounded that he was soon after shot to end his misery. The Nez Perce, who had given information as to what Peo-peo-mox-mox had said to his Indian interviewers on the night after his capture, but who had been detained a prisoner with the others until now, was spared. Why he was not killed in the mêlée with the others has never been explained, but possibly he was causing his captors no trouble by trying to escape.

It was at this time, or soon after, and under these circumstances that an act was committed which has tarnished the fair fame of the Oregon volunteers in this otherwise most creditable campaign. The dead prisoners, or at least one of them, was scalped in true savage style, and the scalp and ears of old Peo-peo-mox-mox were afterward exhibited

in the Willamette Valley, as a trophy of somebody's prowess. Doubtless the old savage and his fellow-prisoners gave their guards abundant cause for excitement and anxiety during this critical part of the action, and their conduct may have been such as to excuse their slaughter, but nothing can justify or excuse the brutality which prompted the mutilation of their lifeless bodies. The act is to be condemned, but at the same time it is to be remembered that the volunteers, as a body, had no part in it, although they have, by some, been blamed indiscriminately. They were no more guilty in this case than the settlers were for the crimes committed by the camp-followers who thrust themselves into their company, in their long trip across the plains, and it was doubtless one of these, who thus impotently wreaked his hate on the dead body of Peo-peo-mox-mox.

Early on the morning of the 8th, the Indians appeared with increased force, amounting, as it was thought, to fully six hundred warriors. They took post as usual in the thick brush by the river, among the sagebushes and sand knolls in the valley, and on the surrounding hills. Companies A, B, F, H, I and K were sent to dislodge them, which they did, although they fought with skill and bravery.

On the ninth, they did not make their appearance until about ten o'clock in the morning, and then in somewhat diminished numbers. As Kelly had now sent to Fort Henrietta for reinforcements, and expected the two companies there to come up during the day, he thought it best to act on the defensive, and hold his position, until he could get help. An attack was made on Companies A and H in the brush, and upon Company B on the hill, both of which were repulsed with considerable loss to the enemy. Companies F, I and K also repelled all attacks on their

positions, although in doing so one man in Company F, and one in Company I, were severely wounded. Darkness as usual closed the combat, by the enemy withdrawing from the field.

Owing to the inclemency of the night, the companies on the hill were withdrawn from their positions, Company B abandoning the rifle pits which the men had made for their protection. Next morning the Indians were found to have taken possession of these, and the men resolved to retake them. This they did in less than half an hour, the Indians retreating to an adjoining hill, which they occupied the day before. This position was at once assailed. Captain Cornoyer, with Company K and a portion of Company I, being mounted, gallantly charged the enemy on his right, while Lieutenant McAuliffe, with Company B, dismounted, rushed up the hill in face of a heavy fire, and scattered the enemy in all directions. They fled to return to this battlefield no more, and thus ended the long fight.

The volunteers lost, in these four days of fighting, Captain Bennet of Company B, Lieutenant Burrows of Company H, and five men killed; Captain Layton of Company H, and five men dangerously, and Captains Wilson and Munson, and six men more or less severely, wounded. The Indians' loss was estimated at seventy-five. Thirty-five dead bodies were found on the field, and the troops were certain that others had been carried away, as the custom among Indians is to leave no dead upon the field, if their bodies can possibly be hidden or carried off.

Agent Olney was present during all the four days of the battle, and rendered efficient service as an aid to Colonel Kelly, and that officer gave him the highest praise for advice and assistance rendered.

Companies D and E having arrived from Fort Henrietta, on the evening of the tenth, the command started in pursuit of the Indians. The old Nez Perce's trail was followed to Mill Creek, where an abandoned camp of the fugitives was found, showing that 196 fires had been kindled there the night before. Here they had abandoned some of their camp outfit, and provisions were found scattered along the wayside, indicating that they had fled in great haste to the north. The troops pursued them until it was too dark to follow the track of their horses, when they camped on Coppei Creek. The pursuit was continued next day to the Touchet, where it was given up, as many of the horses and men were completely worn out and broken down. About one hundred head of cattle were captured, which the Indians left scattered along the trail in their flight, and with these the tired soldiers returned to the camp which they had left at the end of the fight.

Here Kelly received a letter from Narcisse Raymond, asking protection for the French and friendly Indians under his charge, and on the morning of the twelfth, he dispatched Captain Cornoyer with his company to their relief. Mr. Olney, who accompanied them, returned that evening with information that the Palouses, Walla Wallas, Umatillas, Cayuses and Stock Whitley's band of Des Chutes Indians, had all been engaged in the battle, and that they had now gone partly to the Grande Ronde, and partly to the country of the Nez Perces, and Stock Whitley, disgusted with the manner in which the Cayuses had fought, had abandoned them and gone to the Yakima country to join his forces with those of Kam-i-ah-kan.

The volunteers now had undisputed possession of the country south of the Snake River, and Kelly determined

to remain there until the regular troops should come up, as he supposed they would. The Indians had left much of their stock behind, which they would recover if the country were abandoned. It was not possible to continue the pursuit, as the men were much exhausted by their long battle and the pursuit thus far, and their horses were even in a worse condition than the men were. They had no boats with which to cross Snake River, and there was no timber, with which shelter for men or horses could be constructed. Kelly therefore abandoned the pursuit, though he fully realized the importance of continuing it, if it had been possible, and wrote to Governor Curry from the battlefield, urging him to send forward supplies without delay. The men were badly in need of winter clothing, and were living on short rations, most of which they had captured from the enemy. Only the two companies which had recently arrived from Fort Henrietta had any flour. There was but little at the mouth of the Touchet, where Chinn had left the pack train. Most of the command were living on the beef and potatoes which the Indians had abandoned, and many of them were much discontented and anxious to return home.

Fort Bennet, which had been constructed, and under which was buried the body of the brave captain who had fallen near its site, was accordingly abandoned, and the command returned to a point on the north bank of the Walla Walla, about two miles above Whitman's station, where they prepared to make themselves as comfortable as might be, until reinforcements should arrive with the supplies of which they were so much in need.

This campaign was made wholly by the Oregon volunteers. The battle was fought so near the boundary line of

the two territories that, while it began in Washington, it seems to have ended in Oregon. The Indians engaged were from both territories, and most of them roamed from one to the other, as fancy dictated, or as the means of subsistance were found more abundant in the one or the other. But the campaign had an important bearing on the war in Washington, in two respects; it opened the way for the return of Governor Stevens, who was coming home from his council with the Blackfeet, and who would doubtless have been overwhelmed and murdered, together with all who accompanied him, if the campaign had not been made. It had a further and most useful effect in the punishment it inflicted on the disaffected tribes. Had the volunteers been supported as they should have been by the regular troops, whose duty it was to lead rather than be led in any emergency of this kind, or had they even been sent to hold the advantage which the volunteers had gained, after they had gained it, the subsequent campaign in that region, with its disastrous results, would have been avoided. The hostiles would have been subdued, many lives would have been saved, and the country pacified and opened to settlement, much earlier than it was. But the obstinancy of an old man, who, at that time, happened to be wearing the epaulets of authority over the soldiers whose business it was to defend the settlers against the assaults of their savage enemies, prevented their proper employment in that business, and compelled the settlers to defend themselves. Under the lead of an efficient and energetic commander they did it nobly and effectively. The power of the confederated tribes south of the Columbia was, for the time being, broken. The reinforcements which, but for this defeat, would have come to them from the Spokanes, the Cœur d'Alenes, and

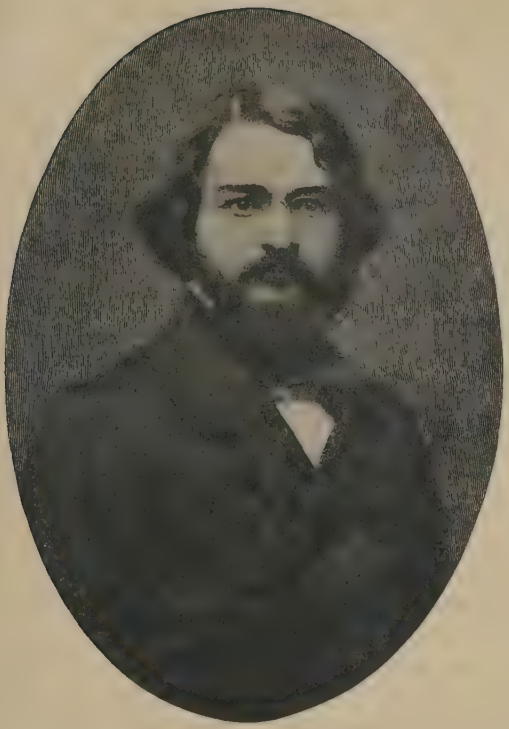
even from the Nez Perces and other more or less friendly tribes, were prevented from joining them, and what is perhaps still more important, they were unable to send as much help as they otherwise might, to their allies west of the mountains, where the settlers were none too strong to successfully cope with them.

Chapter XLVI.

THE WAR WEST OF THE MOUNTAINS.

CHARLES H. MASON

The first secretary of Washington Territory. He was acting governor during a considerable part of Governor Stevens' term, and also during a part of the term of Governor McMullen. His death, which occurred in 1859, was universally regretted by the people of the territory.



WHEN news of the failure of Rains' campaign in the Yakima Valley reached the Sound country, the settlers realized that they were in imminent danger of attack. There were numerous trails across the range, over which the eastern tribes had been accustomed to make frequent excursions to the Hudson's Bay posts at Vancouver and Nisqually, and the road which the settlers themselves had opened, by way of the Nachess Pass, afforded them an additional facility for invading the settlements. It was therefore natural to expect such an invasion at a very early day, and that the number of the hostiles west of the mountains would be greatly increased. In such an event the troops at Fort Vancouver and Steilacoom would be wholly inadequate to defend them. They must therefore prepare at once to defend themselves.

Secretary Mason, who was acting governor in the absence of Governor Stevens, was a young man without experience in administrative affairs, but was surrounded by many able men, whose advice was doubtless generously tendered, and as freely accepted. Among these were the territorial judges —Lander, McFadden and Chenoweth—William Strong and Victor Monroe, who had been judges, and prominent citizens like William H. Wallace, B. F. Kendall, T. F. McElroy, James W. Wiley, Gilmore Hays, James Tilton and W. W. Miller; all, or nearly all, of whom were as ready to take active service as to offer advice. The young governor acted promptly and decisively. The two companies of volunteers he first asked for were quickly organized. Company B, at Olympia, chose as its officers Gilmore Hays, captain; Jared S. Hurd, first, and William Martin, second, lieutenants. It reported to Captain Maloney at Fort Steilacoom on October 20th, and started for Slaughter's camp on White River

on the 21st. Company A, at Vancouver, chose William Strong for its captain, and another company, composed mostly of trappers and men who had long been accustomed to the free life of the woods, was organized for scouting service, under the command of Captain Robert Newell. When these had left Vancouver the settlers raised another company of fifty men for a home guard.

Governor Mason also authorized Captain Charles H. Eaton to raise a company of rangers, at Olympia, and nineteen men* for this service were almost immediately enlisted. They chose James McAllister, James Tullis and A. M. Poe for their lieutenants, and immediately took the field. Eaton had come to Oregon in 1843 and McAllister in 1844, he having been one of Simmons' party, and both knew the Indians in the upper part of the Sound country well, and they were therefore peculiarly fitted for the service which they were to undertake. Eaton was ordered to divide his company into three platoons and scour the country west of the Cascades, from the Snoqualmie Pass on the north, to the Lewis River on the south, and to intercept any Indians who might be passing from one side of the range to the other. If he should meet any unusual or suspicious party, he was to disarm them, and if they resisted he was to kill them, or send them to Fort Steilacoom if he took them prisoners. Any Yakima or Klikitat found west of the mountains, endeavoring to incite the tribes to join the war party, he was to hang.

A small company under the command of Indian Agent B. F. Shaw, and known as the Stevens guard, was also enlisted for the purpose of going to the rescue of the

* The company was subsequently increased to forty-one after Lieut. McAllister's death.

governor, who was then supposed to be returning from the Blackfoot council.

As the territory was without arms, and as very few of the settlers had guns that were at all suitable for war purposes, the acting governor sent to the commanding officers of the sloop-of-war Decatur, and the revenue cutter Jefferson Davis, both then in the harbor at Seattle, asking for such rifles or muskets and ammunition as they could safely spare, and both answered promptly, though neither was able to furnish a very large supply. The cutter, however, immediately moved to Steilacoom, where Captain Pease, her commander, reported to the governor that he would be ready to send twenty men on shore, in case of emergency, for any service that might be required of them.

In addition to raising troops and securing arms, the governor took other measures that were quite as effective for protecting the settlements. The Indians who were still peaceably disposed were disarmed and removed to secure places on the islands in the Sound, and to the west side of Admiralty Inlet, where they could, so far as possible, be prevented from holding communication with, or being tempted by, those who might seek to persuade them to join the enemy. In order to separate them from, and keep them from communicating with, the hostiles, it was necessary to make arrangements to feed them, or to contribute in some degree to their support, and this was no small part of the business which the governor had in hand. Captain Eaton was directed to notify all the Indians found in his scouting expeditions to remove to the camps thus established, and their willingness or unwillingness to do so was to determine whether they were hostile or friendly.

On October 21st Maloney, with seventy-five men from Fort Steilacoom, reached Slaughter's camp on White River, where he took command. Captain Hays came up with his volunteers on the 24th, and the entire force, which then numbered 240 men, was moved along the road which the settlers had opened two years earlier, to and across the summit to the Nachess River, which was reached on the 28th. This was the force that was expected to coöperate with Rains, but, as we have seen, that inefficient officer did not move from the Dalles until two days later. The command was therefore in a very dangerous situation, being liable to be attacked by all the hostiles in the Yakima country, should they discover its exposed position.

It was well that Maloney halted when he did, for he had hardly left his camp on White River before the hostile element among the Indians on the Sound began to display activity. As soon as Eaton began the scouting service to which he had been assigned, he found that Leschi and Quiemuth, his brother, had left their accustomed haunts in the neighborhood of Fort Nisqually, where they had long resided, and where they cultivated small patches of ground, and owned considerable herds of horses. Their absence was regarded with suspicion, as it was remembered that Leschi had shown opposition to the treaty at the Medicine Creek council, and that Governor Stevens had there revoked the commission he had given him as chief of the Nisqually band. It was also known that both he and his brother had worked for Dr. Tolmie from time to time, as he had occasion for such services as they were willing to render, and from this, in the state of feeling which prevailed at that time, it was assumed that they would be unfriendly to the Americans. Eaton had therefore made it one of his first duties to inquire as to their

whereabouts, and not finding them at home, he became more than ever suspicious that they had become hostile.

For the two days following, Eaton was employed in ranging through the country east of the Sound, and as far south as the Nisqually, and on the evening of October 25th he crossed the Puyallup River by the military road, and went into camp about a mile east of it. On the following morning he divided his command into two platoons, and made a reconnoissance up the river, both banks of which were carefully examined for a distance of several miles, but without finding any Indians.

Next morning, the 27th, it was found necessary to send the commissary, W. W. Miller, with an escort of five men, and some pack animals to Steilacoom for supplies, and Lieutenants Tullis and Poe were also dispatched to Olympia for recruits. Some time after their departure information was brought to camp that a considerable party of Indians had established themselves some two or three miles further east, and near the place where the road crossed White River. How definite this information was, as to the character and number of the Indians, is not now known, though it appears it was known that they had represented that they were there for the purpose of taking fish. It was the fishing season, and it was reasonable enough that they should be there for that purpose. But if they were hostile and bent on war it was a most dangerous place to permit them to remain. It was the one place in all western Washington which a trained soldier would choose, if he wished to help the Indian cause. It was directly in Maloney's rear, commanded the only road by which he could retreat, or by which supplies or reinforcements could be sent him. Should he be defeated not one of his soldiers could pass it alive, and the Nachess road, which

had been built for military purposes, would be open to the hostiles on both sides of the mountains, who would use it for the destruction of the settlers.

Although not specially trained to the art of war, it is probable that all this was clear to Eaton, when told where this camp was. It is probable also that he knew that both Leschi and Quiemuth, the two Indians he had been particularly in search of for three days past, were there and in command. Connell, who had been a soldier, and who had now taken a claim near where this Indian camp was, was with him—some say, had brought the news to him. He knew Leschi, and so did Lieutenant McAllister, and the latter asked permission to go to this camp and confer with him, doubtless hoping that on account of his long acquaintance, and the friendly feeling that had subsisted between them, he might be able to persuade him to give up any hostile intentions he might have, and withdraw to one of the reserve encampments. Eaton gave his permission reluctantly. At parting he particularly admonished McAllister to return that evening, and he had replied that he would do so "if alive." Both seem to have had some misgivings about the undertaking, although McAllister wished to go, and set off accompanied by Connell and two friendly Indians. Neither of the white men ever returned. Shortly after their departure the captain, accompanied by James W. Wiley, started eastward along the same road McAllister and Connell had taken, to examine a slough which was said to be next to impassable. This slough was not more than a mile beyond the camp, and after inspecting it to their satisfaction, and discovering that it would require but little work to make it easily passable by horses, they started again for their camp. They had gone but a short distance when they heard a rifle shot, followed quickly by

another and then a volley. They instantly suspected what had happened and hurried to their camp, where preparations for defense were made with all possible speed.

But eleven now remained of their party, and they were too few to meet any considerable number of Indians in the open. They had no very large supply either of provisions or ammunition, but Eaton concluded that it was better for every reason to make a stand where they were, if a defensible position could be found, than to retreat. Accordingly possession was taken of an abandoned log cabin in a small clearing. Here they were shortly afterward attacked by a numerous body of Indians, who surrounded the cabin and kept up an almost continuous fire upon it and its occupants during the whole night and far into the following day. The fire was steadily returned by the besieged party, but with what effect they could not tell, as their assailants rarely showed themselves. The best the volunteers could do was to fire at the flash of the rifles of their assailants during the night, and as daylight appeared the Indians kept carefully under cover. Only one white man was wounded in this engagement, and he not seriously, but all their horses were stolen.

Early on the morning following the killing of McAllister and Connell, the families of Harvey H. Jones, William A. Brannan and George E. King, consisting of fourteen persons, living in the White River Valley, about half way between the thriving towns of Kent and Auburn of the present day,* were attacked by Indians, and nine of them were mercilessly butchered. The attacking party was apparently led by a chief of the White River Indians known as Nelson, who had

* The claims on which this massacre occurred lie along the river just east of the Northern Pacific Railroad, and opposite the station called Meredith on the Interurban.

been a frequent caller on one of these families at least, and had received many favors from the hands of his victims. Only a few days before the massacre he had visited the Jones house and, while warming himself at the fire, had said moodily that the white people would soon own the whole country and the Indians would be driven away. Some people have since attempted to construe this as a warning, but, if there was any such purpose in it, it was too subtly concealed to be of any benefit to his benefactors. The family were wholly unprepared for an attack, and suspected no danger, when, in the quiet of that Sunday morning, they gathered about the table for their morning meal. There were three adults and three children, the oldest seven and the youngest scarcely two years of age. Mr. Jones had not yet risen, being ill with pleurisy, and Enoch Cooper, the hired man, was the only person of the party who could possibly make any resistance in case of an attack.

While at table a sound was heard at the door which all recognized as indicating that an Indian was outside.* Mrs. Jones rose quickly and started toward the door, followed by the older children. As she opened it she saw several Indians outside, none of whom were very near the house. One of them was posted at the corner of a small building made of logs, with a rifle at his shoulder and aimed at the door. He had evidently expected a man would open it, and intended to kill him at the first fire, but seeing a woman his heart failed him. The door was instantly closed, and the Indians began firing at it, and through the windows. Jones rose from his bed and was almost immediately shot through the breast,

* The Indians never could be taught to knock at a door before entering. If they gave any warning at all it was by a grunt, a shuffling of the feet or something of that sort.

dying a few minutes later. Mrs. Jones then urged Cooper to make his escape, realizing that resistance was useless, and perhaps hoping he might give the alarm and secure assistance. He escaped through a window, but was shot through the lungs, and his body was subsequently found a hundred yards or more from the house. Mrs. Jones was also shot through the lungs, and her head and face horribly mangled with an ax or tomahawk.

The children were not harmed, and the incidents of their escape form a story of heroism such as is found rarely save in the history of the frontier. While the murderers were looting the house, preparatory to setting it on fire, they found the children, who had been hidden under a feather bed by their mother, and took them outside. There they found Nelson, who seemed to be in command, and was directing everything. He told the oldest boy, whose name was John I. King—he being the son of Mrs. Jones by a former husband—to take the two younger children and go to Thomas', which was about two miles distant, and gave them in charge of another Indian whom he instructed to help them on their way. The younger children were not willing to go with him, and, after leading them only a short distance, he left them to themselves.

By this time the house and nearly all the other buildings were burned, and the murderers had gone. The older boy, carrying the younger of the other children in his arms, and leading the other by the hand, thought first to go to one neighbor's house and then another, and, after wandering about in fear and confusion for some time, finally returned to the ruins of his own home. Here, in a partially burned building, they found a few potatoes, which had been so far

roasted as to be edible, and some melted butter, on which they made a meal, for by this time they were all very hungry, having had but little breakfast.

Having satisfied their hunger they were looking about their desolated home when they came suddenly upon their mother, terribly wounded but still living. She recognized them, and gently chided the older boy for lingering so long about the place. She told him, as Nelson had done, to go to Thomas' place with the other children, for she could not live, and if the Indians should return they would probably murder them. With a heavy heart the boy turned away and never saw his mother again. All that afternoon he trudged on through the woods, leading one tired child and carrying the other. When he reached Thomas' place it was deserted. The next house beyond was also abandoned. Both had been pillaged.

The children now seemed to be alone in the world, and they wandered on in utter hopelessness. They were very tired, and also hungry; there was no place to rest, they could find nothing to eat, and the older boy was tormented by a continual fear that the Indians would yet find and murder them. Suddenly he saw an Indian some distance ahead of him on the trail, and turning quickly aside he hid his brother and sister under some bushes, and then returned to investigate. He hoped, he said long afterward, that, if he was killed, his brother and sister would somehow be rescued. The Indian proved to be an old acquaintance, and still disposed to be friendly. He also was afraid of the hostiles, but said he would take the children to his hut and, after the moon was up, would try and take them in his boat to Seattle. This he did during the night, by the help of another Indian, and put them safely

on board the sloop-of-war Decatur, which was then lying in the harbor.*

Other settlers living in the neighborhood were warned in time, or took the alarm and fled to Seattle, arriving there on the evening of the 28th. The citizens were immediately aroused, and by 11 o'clock on the following morning Captain C. C. Hewitt, with a company of forty men, and four friendly Indians, were on their way to the scene of the massacre. They were two days in reaching it, as there were almost no roads through which such a party of men, with their supplies and necessary camp outfit, could be marched with celerity. All the cabins of the settlers along the route had been abandoned, and most of them had been pillaged. Some had been burned.

The houses and most of the other buildings belonging to the Jones and King families were in ashes. The partially burned body of Mr. Jones was found in the ruins of his house. A short distance away was the body of his wife, and, at a greater distance but in the opposite direction, that of Cooper. The buildings belonging to the King family had also been burned, and the bodies of King and his wife were found near by, partially eaten by animals. Brannan's house bore evidence of a terrific struggle. His own body, terribly mutilated, lay on the floor, which was much stained with blood. Both his hands were lacerated, as if he had seized the knife with which he had been stabbed, and made a desperate effort to wrench it away from his assailant. His arms and legs were badly cut, and Captain Hewitt says "there were as many as fifteen stabs in his back, mostly a little below the left

* From an account of the massacre written by Dr. John I. King, of Martel, O., who was the oldest of these three children. See Meeker's "Pioneer Reminiscences," p. 292.

shoulder." He had evidently been assailed by more than one Indian, and although unarmed, had made a brave fight for his own life and that of his wife and infant child. The bodies of the latter were not found until after a long search, when they were discovered in the well. Mrs. Brannan had been stabbed through the back, while running from the house with her undressed infant in her arms, and then thrown headlong into the well. The body of the child, which was about ten months old, showed no wounds; it had been drowned, as it was found beneath its mother.

All the bodies—among them being that of one man who was not identified, and whose name has never been learned—were buried as well as circumstances would permit, and such effort was made as was possible to discover who the murderers were and apprehend or punish them, but without much success. A black man was discovered in the neighborhood, who reported having seen five Indians, some of whom he knew, who had told him that there had been as many as one hundred and fifty others in the woods near Hewitt's camp the night before. It was subsequently reported, and to a considerable extent believed, that a part of these murderers were Klikitats from beyond the mountains, and part belonged to Nelson's band of White River Indians. There is some reason to believe that Leschi was in the neighborhood when these murders were committed, but, if this was so, it was never proven.

One child, a boy about four or five years of age, belonging to the King family, was carried away by the Indians, and held in captivity for about five months, when he was delivered to one of the settlers' families by Leschi. During his captivity the child had learned to speak the Indian language with some fluency, and had partly forgotten his own.

News of this massacre spread rapidly through the settlements, and intensified the alarm of the settlers, many of whom had not yet left their claims. It was quickly followed by other reports, that if less shocking were scarcely less alarming.

On the day following that on which Maloney had stopped to rest his animals, after crossing the summit of the Cascades, he was overtaken by a messenger from Fort Steilacoom with the information that Rains was not yet ready to move from the Dalles, and would not be for some days. It was probable therefore that, if he advanced farther, he would have to meet the whole body of Indians, then supposed to number two or three thousand, and that, if attacked by such a force, he would not be able to hold out until Rains could relieve him. He had neither provisions nor ammunition sufficient for a long siege, and was without means to procure a fresh supply. If he went forward, therefore, it would be to almost certain destruction. Moreover the messenger who brought the dispatch brought also news that the northern Indians were arriving in the Sound in considerable numbers, and that the home tribes were showing signs of uneasiness. If they should fall upon his rear, or interfere with his communications, his case would be hopeless. He therefore determined to recross the mountains to a point where grass could be obtained for his animals, and there was no such place nearer than that where Slaughter had fixed his camp when he had fallen back only a few days earlier. This resolution was wisely taken, for, had his return been delayed for even a day, Eaton's small force would probably have been annihilated, and his assailants, emboldened by such a success, would have found their numbers greatly increased, and the defenseless settlers, who still remained in their homes in the Puyallup

and other valleys, would have been attacked and slaughtered without mercy.

Before leaving his camp he sent off a dispatch to Governor Mason, and one to Rains by way of Steilacoom, notifying them of his retreat. These letters were carried by William Tidd, a carpenter who lived at Steilacoom, the intrepid rider who had crossed the mountains alone, to bring him Rains' dispatch. On his return he was accompanied by A. Benton Moses, a brother of the ex-collector of customs, Joseph Miles, George R. Bright, Dr. M. P. Burns, A. B. Rabbeson and John Bradley. This party arrived at the crossing of White River near Connell's Prairie early in the afternoon of Wednesday, October 31st, and were surprised to find Leschi and a large camp of Indians there. The Indians were equally surprised to see them, as they were not looking for white people from that direction. No hostile demonstrations were made on either side, and the little party passed on toward the fatal spot where McAllister and Connell had been killed only four days earlier, and where their mutilated bodies still remained, though of this they were wholly ignorant. They had gone but a short distance,* when they were fired upon from an ambuscade, as McAllister and Connell had been, near the same place. Miles was instantly killed and Moses mortally wounded. The rest of the party escaped without injury.

On the morning of the preceding day—Tuesday, October 30th—Lieutenant John Nugen, at Fort Steilacoom, had received a message from Captain Sterrett of the Decatur, informing him of the massacre in the White River Valley.

* The ground was subsequently measured by a surveyor and the distance ascertained to be 69 chains, or 272 rods, considerably less than half a mile.

He also heard for the first time that Lieutenant McAllister had been killed, and there was also a rumor that nine other members of Eaton's command had suffered a like fate. At 8 o'clock in the morning he sent off a messenger to Governor Mason with this news, and then made a call upon the citizens of Pierce County for a company of volunteers, to help defend the fort, as it was said that no less than 250 Indians were advancing to attack it, from the direction of the Puyallup Valley. As the fort was then garrisoned by only 25 men, Nugen felt that his situation was precarious, and, if the place should be surprised and taken, all the settlers in the country would be exposed to the greatest danger. It was proper therefore to call upon them in time to rally for their own defense.

They responded promptly. On the following day he sent a second dispatch to the governor, notifying him of his call, and that a company of forty men, under Captain W. H. Wallace, were ready to take the field and had reported for orders. They were almost immediately sent to relieve Eaton and open communication with Captain Maloney.

The latter had arrived at Connell's place two days after the killing of Moses and Miles, and had found the buildings burned. The bodies of McAllister and Connell, which had remained where they had fallen until his command came up, together with those of Miles and Moses, were recovered and sent to Fort Steilacoom for burial. All had been shockingly mutilated.

Realizing that the Indians were close at hand, scouts were sent to discover the direction they had taken, which was easily done, and on the following morning, November 3d, Captain Hays, with about fifty of his volunteers, and Lieutenant Slaughter, with a like number of regulars, were sent

in pursuit of them. They were overtaken at the crossing of the White River, and received the troops with a volley from the thick timber on the opposite bank as they came up. One member of Slaughter's command was killed by this fire. The stream was much swollen by recent rains, and the soldiers were unable to cross it under fire, but the battle, which began about 9 o'clock in the forenoon, was sharply maintained until 3 o'clock p. m., both troops and Indians fighting from cover, as it was impossible to cross the river. Only one soldier was wounded severely, and one slightly, during this six hours of fighting: how much the Indians suffered was never known, though their loss was estimated by both Slaughter and Hays at thirty.

The Indians had the advantage of position, and were probably as well armed as were the regulars or the volunteers, as they had been obtaining guns from the Americans ever since the Hudson's Bay trading posts had been closed to them by the treaty of 1846. But the guns of neither side were very effective at long range. They were doubtless of the same pattern as those used in the Mexican war, only a few years earlier, of which General Grant says: "At the distance of a few hundred yards a man might fire at you all day without your finding it out."*

The Indians drew off before dark and retreated to Green River, which in that region is only a few miles distant. They were pursued on the following morning, by the regulars and volunteers, who had been engaged during the preceding day, and by Captain Wallace, with twenty-five men of his company, who had joined them on White River, after the battle. They came upon the Indians as the troops were descending the high bank of Green River, where they were

* Personal Memoirs of General Grant, Vol. I, p. 95.

fired upon, and one man, Andrew Burge, a citizen who was acting as guide, was slightly wounded. They then continued their retreat, and the soldiers could see them running along the lowland bordering the stream. They started in pursuit, and when at close range were received with a volley, which was promptly returned. A running fight followed, in which the Indians were steadily driven back. Sometimes they would give way and run for a considerable distance, the troops pursuing. Then taking advantage of some thicket, or a few fallen logs, they would attempt to make a stand, when they would be charged either by the regulars or volunteers, and would give way again. The fight continued in this manner until dark, when the firing ceased and the troops went into camp.

It had rained steadily during nearly the whole time this combat was in progress. The soldiers were wet to the skin, not more by the water which fell from the clouds, than by that showered on them from the trees and the thick jungles in which the enemy occasionally took refuge, and from which he could only be expelled by a charge. Their ammunition had been kept dry only by the most careful precautions. It was impossible to select a suitable place for a camp. The soldiers were compelled to remain where they were, and to take such rest as they could get on the sodden ground of the river bottom, and under the inhospitable November sky.

During the night the sentinels occasionally saw Indian scouts lurking about the camp, but no attack was made. Soon after daybreak an ambuscade was discovered, in a marshy place that was more or less covered with driftwood, and a charge was ordered; but the order was countermanded, as the soldiers would have been at a tremendous disadvantage while crossing the logs, which were piled upon each other in

much confusion. The Indians in their hiding places would have had every advantage, if such a movement had been made, as after delivering a volley at their enemies, who would be unable to use their guns while crossing such an obstruction—and once started could not retreat without much difficulty—could easily fall back to the next convenient shelter.

Only two of the attacking party were wounded during this encounter—the guide Burge, and one soldier. What the Indians suffered was never known.

On the day following Hays and Slaughter, with their own and part of Wallace's command, attacked and dispersed a small party of hostiles on the upper Puyallup. Most of them fled early in the fight, but a few took post behind rocks and logs, and killed one of the regulars and wounded four others.

In reporting these engagements Captain Maloney paid a high compliment to the volunteers. A better company than that of Captain Hays, he said, could not be brought into the field, to act against Indians. "I have always found them ready and active at any moment, and they have my most hearty thanks, both officers and men."

Many of the settlers had, by this time, abandoned their homes and taken refuge in the towns, at the Hudson's Bay post at Nisqually, or at Fort Steilacoom. "I have nearly all the women and children in the country at this post," wrote Lieutenant Nugen to Governor Mason on November 1st, "and of course will protect them." Some who were too far away from these places of refuge to remove thither, built blockhouses of their own, and prepared to defend themselves as best they could, should emergency require. Where three or four families were living near enough together, they all removed to the premises of that one whose place was most easily defensible, and there built a house of rough logs,

with the upper story projecting about a foot beyond the walls of the lower on every side. In a shelter of this kind, the inmates could easily prevent the Indians from piling brush or other inflammable material against it and setting it on fire. The doors were made of heavy planks, and there were but few windows. The portholes left here and there in every side, through which rifles might be aimed at the foe, were sufficient for light and air. No less than twenty-three of these blockhouses were built by the settlers during the war, while thirty-five blockhouses and stockades were built by the volunteers, and a few by the regulars. Some of these were stockaded, enclosing a considerable area outside the buildings. The one at Olympia enclosed about two squares, and those in other towns were sometimes large enough to include several buildings, and in these the families of many of the volunteers found protection while the war lasted.

On October 22d, becoming convinced that it was more prudent to be too well, rather than not well enough, prepared for what might happen, Governor Mason called for four additional companies of volunteers, to be used as a reserve, but subject to be called into active service whenever occasion should require. These were promptly filled. By the time the legislature met early in December, ten companies, amounting in all to 700 men, had enlisted, about 500 of whom were mounted. In addition a small company of rangers had been raised at the Cowlitz farms station of the Hudson's Bay Company, and although not regularly mustered, were reported to be ready for any service required of them.

But the lack of arms was now more seriously felt than before. There was no lack of brave hearts and hands to use them, but all the guns had been secured from the forts, and from the Decatur and Davis, that could be spared, and

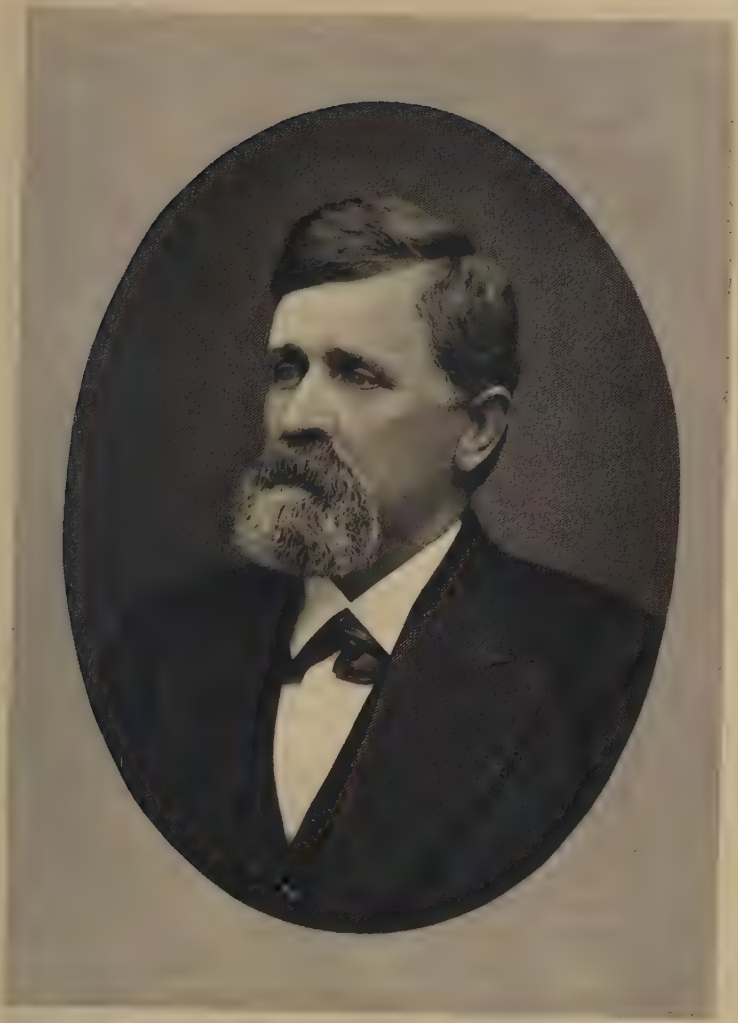
there was no other source of supply nearer than the military supply station at Benicia in California, unless possibly some might be obtained at Victoria. Not doubting that Governor Douglass would furnish what he could, application was made to him for arms and ammunition, and he was also requested to send one of the Hudson's Bay Company steamers to the Sound, because of the effect it would have on the hostiles, if they were thus shown that their old friends were supporting the settlers. The governor responded promptly and generously, sending half of all the guns on the island, and promising to send the Beaver or Otter, whichever should return first to Victoria, to cruise in the Sound as Governor Mason had requested. The supply of arms amounted to only fifty muskets, but it was very helpful in equipping the companies as they reported, and the readiness with which they were furnished, gave assurance of the moral as well as material support of the Hudson's Bay people, and this was a matter of no small importance.

An adjutant, and a commissary and quartermaster-general now became necessary, and James Tilton, the surveyor-general, was appointed to the former position. The war had broken up his surveying parties, and practically suspended the business of his office, and, as he had seen service during the Mexican war, he was admirably fitted for the place thus offered. When the legislature met it was asked to provide for the latter office, and W. W. Miller was named. This position was one of no small difficulty. It was not only necessary to provide food, clothing, ammunition and shelter for the seven hundred men in the field, and deliver it at their several camps, but the families of many of the volunteers must also be looked after, and the Indians who had been disarmed and sent to the camps provided for them on the

GEN. WILLIAM WINLOCK MILLER.

A native of Kentucky. His boyhood was spent in Missouri and Illinois. He came to Washington in 1852, under appointment as surveyor of customs, and was stationed for a time at Fort Nisqually, and afterwards at Olympia. At the outbreak of the Indian war he was appointed quartermaster-general, and managed that department so successfully as to win high praise from Governor Stevens. He married a daughter of Judge O. B. McFadden, and resided at Olympia during the remainder of his life. He was successful as a business man, and prominent in all the leading enterprises of the settlers during his lifetime.

of no small importance.



W. W. Miller

islands, or in other places where they would be least likely to be visited by the hostiles, required to be fed. To procure supplies in any quantity, in the scattered and demoralized settlements, was difficult. Most of the settlers had been driven from their homes before their crops were gathered, and where they had been gathered the Indians sometimes seized them, or burned the building in which they were stored. Their cattle were scattered, and at most they had but few to spare. In such a condition the Puget Sound Agricultural Company's farms at the Cowlitz and Nisqually, and the Hudson's Bay Company's storehouses at Victoria must be, and were, the main reliance of the commissary and quartermaster's department. They were liberally drawn upon and, so far as they were able, furnished what was asked of them, at prices not then or since considered unreasonable. As payment could not be made in cash, and as the governor was not authorized to give drafts on the national treasury, and as it was evident that the territory was not then, nor soon likely to be, able to pay, this was done at some risk—a risk which a foreign corporation, doing business amid surroundings which it had long had reason to know were unfriendly, might well have refused to assume. But as the responsible head of that Company on the coast, Governor Douglass never hesitated to make advances when called upon, and when he could not accept the guaranty of payment offered, as an officer of the Company, he purchased the supplies called for with his own funds and sent them forward. The risk he thus personally assumed amounted at one time to $5,000. Considering the unfriendly relations that had begun in the attempts of the settlers to locate claims on lands which the Company had improved, and which it expected to hold under the treaty, until paid for; the uncertainty

that the claims for goods furnished would ever be recognized by the national government, and the further fact that a well-defined difference of opinion between Governors Stevens and Douglass in regard to the San Juan boundary had already been disclosed, the magnanimous conduct of Governor Douglass in this emergency deserves the highest praise, and the people of Washington will be ungrateful if they ever fail to recognize and remember it.

And it was not only difficult to get supplies; it was equally difficult to deliver them to the many points where they were needed. There were but few roads, and none of these had been much improved. In many cases supplies had to be delivered at places where no roads existed, as in the Snoqualmie Valley, where the northern batallion under Major Van Bokkelin built four blockhouses; on Black River, and Muckleshoot Prairie, on the Nisqually near the Michel, and to Colonel Shaw's command at Walla Walla and in the Grand Ronde Valley. Teams and wagons were not numerous; to get them at all it was often necessary to impress those which the settlers had urgent need of, to prepare the ground and plant the crops that would be required to support their families, and their defenders. But somehow the supplies needed were always regularly delivered, and the volunteers were never allowed to go hungry. Both the adjutant-general's and the quartermaster's departments were so well managed during the war, that Governor Stevens paid their chiefs the very highest compliments at its close, saying of General Miller that "he imparted extraordinary efficiency to his department, the most difficult of all," and that his management "had reflected the highest capacity, and devotion to the public service upon its chief and subordinate officers."

After the skirmish at Green River on November 6th, and the scout up the Puyallup on the day following, Captain Maloney withdrew from the Puyallup Valley, and established a camp on John Montgomery's ranch, about two miles east of Spanaway Lake, where Fort Hicks was subsequently built, and this became one of the general supply stations during the remainder of the war. A good road was opened to it from Olympia, by way of Tenalquot and Yelm prairies, and it was easily reached from Forts Nisqually and Steilacoom. It was within striking distance of the favorite resorts of the Indians on the Puyallup, White and Green rivers, and, as the Indians were now thought to have broken up into small marauding parties, which would require to be hunted down and attacked wherever they reappeared, this was deemed to be a desirable point from which to dispatch forces as they would be required for that purpose.

Early in November General Wool arrived at Fort Vancouver, bringing with him from California one company of artillery, under command of Captain E. D. Keyes, afterwards famous as a major-general in the Army of the Potomac, a company of dragoons from southern Oregon, where they were quite as badly needed as on the Columbia, and two thousand stands of arms. This addition to the defenses of the territories would have done much to encourage the settlers, if Wool had permitted them to be used as they might have been. But, strange to say, in view of the distance from which he had brought them, he found no better employment for most of the troops than to send them into winter quarters. He arrived at Vancouver about the time that Rains returned to the Dalles from his fruitless expedition to the Yakima—a time when a vigorous commander would have used every resource to retrieve what had been lost, and if possible

strike a blow that would end the campaign with credit. But Wool had no such purpose in view. He had no heart for the war. He persisted in believing that the settlers were the aggressors, and pretended to believe that they had brought on the war for the sole purpose of speculation. He professed to believe that he had no need for help from the volunteers, and that the regulars were abundantly able to control the situation, if allowed to manage it in their own way. He reproved Rains for asking assistance, and refused to recognize the volunteers, or to furnish them arms or subsistence, except where circumstances actually forced him to do so. He would have nothing to do with the company which Shaw had raised by order of Governor Mason, and marched to Vancouver, to go to the rescue of Governor Stevens; refused to provide them with arms or supplies, and left them to disband for want of them, and yet at the same time he hurriedly sent to Washington for another regiment of regulars to come to his assistance.

If he had any plan at all for conducting the war, it was formed so far as possible to avoid doing anything that either Governor Stevens or Governor Curry had recommended, or thought advisable. Seemingly the only purpose he had in view was to keep the hostiles east of the mountains from invading the settlements on their western side. He did not believe a winter campaign practicable—perhaps for the reason that he was unfamiliar with our climate, and supposed it more severe than it is. Even when the Oregon volunteers were preparing to march to the Walla Walla country, after their return from the Yakima, and asked him to loan them two howitzers and men to handle them, he allowed Rains to refuse them. A few days later when a messenger brought the news to Rains' camp that Kelley and

his brave volunteers had begun the battle on the Walla Walla, and had already had one day of hard fighting, no support was sent them, and the order withdrawing Rains and his regulars to Vancouver was carried out, as though there was no need for them elsewhere. It is even reported that they and the messenger who brought the news of Kelly's almost desperate situation, came down the river to Vancouver by the same boat.

Captain Keyes and his company were now sent to Fort Steilacoom, which was as comfortable a place as Fort Vancouver, and he took command there on November 28th. Though thoroughly imbued with his commander's views in regard to the causes of the war, and the manner in which it ought to be conducted, he did not entirely suspend the operations then in progress, although he displayed no vigor, and as soon as he conveniently could do so, gave notice to the governor that he could furnish no supplies to the volunteers, or recognize them in any way, after the term for which they had been enlisted had expired. As the Washington companies, the earliest raised, had been mustered into the service of the United States for three months, he was compelled to recognize and make use of them during that time.

Events soon began to show that he might soon have urgent need for them, as indeed he did. The Indians who had scattered into small bands after the fighting on the White and Green rivers, so as to more readily secure subsistence, now began to show signs of reassembling. There was evidence also that their strength had been recruited by accessions from the tribes east of the mountains. Dr. Tolmie had reported to Nugen, two or three weeks earlier, that a band of twenty Klikitats had been seen on the prairie south of Fort Steilacoom. Early in December he applied to Keyes himself for

a guard for Fort Nisqually, and it was not likely that he would need a guard to protect him against the Indians among whom he had so long lived in peace. But Keyes did not seem to think these indications alarming.

Soon after assuming command he sent Hays, with his company, to make a scout along the Nisqually toward its upper waters, and dispatched Slaughter with his company of regulars, and part of Wallace's Steilacoom volunteers, on an expedition through the Stuck Valley to the junction of White and Green rivers, the object of which has never clearly appeared. Possibly Slaughter knew of some Indian camp in the neighborhood, and wished to break it up and disperse it. Possibly he wished to punish the murderers of the White River settlers, as he knew they lived in that neighborhood. Keyes had visited him at his camp on the Puyallup just before he started, and although their conversation had been brief, and carried on under some difficulties, as Keyes was not able to cross the river which was then running bank full, it is quite possible that Slaughter suggested the expedition, and obtained permission to make it.

He left his camp that afternoon and moved down the Puyallup toward the Stuck. On the following morning, which was Sunday, Lieutenant McCaw, with sixteen men from Wallace's company, was sent forward to the vicinity of the village of Sumner of the present day, where they found that the houses of Kincaid, Woolery, and McCarthy had been burned by the Indians, while several other houses in the neighborhood had been pillaged, though not burned. All that night the camp was surrounded by Indians, who made several attempts to stampede the horses. The camp was enveloped in a thick fog, making it impossible for the guards to see each other, or the lurking Indians, and while they

occasionally discharged their rifles in the direction in which they heard some prowler moving, they inflicted no injury so far as known. On the following morning E. G. Price, one of the volunteers, who had gone down to the river bank to wash, was shot and slightly wounded. Some of the Indians say this shot was fired by Leschi.

They tell this story to show how this chief demonstrated his ability as a marksman, and also proved his right to command. For a considerable time after the hostiles from the several tribes had assembled in one camp on White River, there was more or less controversy as to who was really the great chief. Some of those who claimed this distinction were very boastful, as Indians usually are, and told frequently of their great bravery, and of their ability to do this or that that would distinguish them in war. Kitsap, or possibly Kanasket, was fond of bragging about his great skill as a marksman, and often urged this as a reason why he should be given the chief authority. Leschi listened to these vain boastings with much patience for a time, but finally resolved to put the boaster to the test. "Come," he said, "let us see whether you can shoot better than I can." It was evening, and the moon was shining brightly enough to make it possible to distinguish objects at a considerable distance. Taking his gun he withdrew the wooden ramrod, and walking out of the tepee he struck it in the ground at a distance as far away as it could be seen, and called upon the boaster to shoot at it. He did so, but while he hit it, it was only with a glancing blow that scarcely left a mark upon it. Leschi then took his place and fired, cutting the rod in two. From that time forward there was less boasting in the Indian camp about skill with the rifle. The Indians claim that Leschi shot at Price

to show his warriors that they ought to be better marksmen.

On Monday night the camp on the Stuck was again enveloped in fog and, as on the preceding evening, was surrounded by Indians soon after dark. During the day Lieutenant McKeever, with twenty-five men, had come up, and the Indians seemed also to have been reinforced. They were bolder in their movements than on the night before. The guard was strengthened, and shots were exchanged early, and continued more or less frequently during the whole night. The Indians could often be plainly heard encouraging each other to the attack, but none of them could be seen. The soldiers fired in the direction from which their voices seemed to come, but their firing seemed to have no effect, save that the Indians were admonished by it that their enemy was awake and ready for an attack. In the morning it was found that one Indian had been killed, but his companions had succeeded in running off 32 horses and mules belonging to their enemies, a loss which at that time was severely felt. It was subsequently learned that fully 300 Indians were engaged in this attack, mostly Nisquallies under Quiemuth and Kitsap, and Klikitats under Kanasket.

The command was now gradually advanced along the Stuck toward the White River, which was reached on Tuesday, December 4th. Lieutenant Slaughter, with the advance, pushed on to Captain Hewitt's camp, which was still on or near the ground where the massacre had occurred more than a month earlier. That evening while sitting in the cabin once occupied by the Brannan family, but now abandoned, Lieutenant Slaughter was shot by an Indian and instantly killed. He was conversing at the moment with Captain Hewitt, Lieutenant Harrison, of the revenue cutter Jefferson

Davis, and Dr. Tyler, surgeon of the Decatur, who had accompanied the expedition. The cabin door was open. A fire was blazing brightly just outside, making each member of the party a shining mark for an Indian bullet. It was not suspected that any Indians were in the vicinity, but a number had crept near enough for one of them to fire this fatal shot. Slaughter fell dead without a groan. The rest of the camp immediately prepared for defense, and another battle in the darkness was fought, which continued for several hours, during which Corporal Barry of the regulars, and Corporal Clarendon of Wallace's company were killed, and six soldiers were wounded, one of them mortally.

Lieutenant Slaughter's death was universally regretted, not only by the regular soldiers, but by the volunteers and citizens generally among whom he had a wide acquaintance. He was only 28 years old, and was a man of promise. A native of Kentucky, he had been appointed to West Point from Indiana, his family then residing near La Fayette in that State. On graduation he was assigned to the 4th infantry, in which General Grant was then a first lieutenant, and sent to California. He was seven months on the voyage, and was seasick every moment of that time. On reaching the coast he found an order awaiting him directing his return, on account of a mistake in his assignment. He was again returned to the coast after reaching New York, and Grant found him at Panama, in 1852, as seasick as he had ever been. About one-third of all the people who crossed the isthmus that year died of cholera, but poor Slaughter, who had been sick so long and suffered so much, escaped it. He told Grant lugubriously, that he often wished he had taken his father's advice, and joined the navy instead of the army, for then probably he would not have had to go to sea so much.

Although his career in the army was brief, it gave promise that he would ultimately have achieved distinction, had he been permitted to live. He had already shown that he possessed most of the great soldierly qualities—courage, tact, sound judgment, and energy, while his personal worth was such as to endear him to all who met him. He was buried at Steilacoom with military and masonic honors.

No effort was made to pursue the Indians farther, after Slaughter's death, or to inflict any punishment upon them. Keyes occupied himself with writing discouraging letters to Governor Mason in regard to the flooded rivers, his broken-down animals, the difficulties of campaigning under such conditions, and reminding him that he could only with great difficulty supply the volunteers with what they required, and would be wholly unable to make any use of them after their term of enlistment expired, though if they were retained on duty he would be glad to act in concert with them. In all this he no doubt reflected the views of his superior officer, General Wool, rather than his own.

For a month the Indians made no hostile demonstrations, when the news was hurriedly sent from Olympia to Fort Steilacoom that Leschi, with a force of thirty-eight hostiles, was visiting the reserve camp on Fox Island, where they had taken the agent, John Swan, prisoner, and were holding him as a hostage, while they were endeavoring to persuade their acquaintances among the able-bodied Indians in camp, to take the war path. If successful here, it was feared that he intended also to visit another camp of friendly Indians on Squaxon Island. The same messenger also brought news that another body of hostiles, probably Klikitats, and numbering a hundred warriers, had been seen on the prairie near Fort Nisqually.

The last report proved not to be true, though some hostiles had probably been seen in that neighborhood. But it was true enough that Leschi was among the peaceable Indians on the reservation, accompanied by his warriors. They had evaded all the troops, both regulars and volunteers, who were on the watch for them, crossed over to the island during the night, and were there almost within sight of the fort and its garrison. Keyes had only to find means to cross the narrow channel separating the island from the mainland, with a moderate force, and they would be at his mercy. This he might do by the aid of the Decatur, or the Jefferson Davis, should either be in the vicinity, as they might be, so far as the Indians knew, or by one of the Hudson's Bay steamers, and one of them, the Beaver, was then lying at Fort Nisqually. The survey steamer Active had also recently arrived in the Sound from San Francisco, with a considerable supply of arms and ammunition, much to the satisfaction of the settlers, though of this fact Leschi may have been ignorant. But knowing what he did, his visit to the island was a bold move that he would never have dared to make in the presence of an active enemy.

As neither the Decatur, the Davis nor the Active were within call, Keyes sent to Fort Nisqually for the Beaver, which was immediately placed at his disposal by Dr. Tolmie, and Maloney with thirty men was sent to the island, with instructions to destroy Leschi's boats and capture him if possible. But the Beaver was unable to approach near enough to the shore to enable the soldiers to land, and as she had no cannon, it was impracticable to land them in boats, so the expedition was a failure, and Leschi and his braves were allowed to laugh at the helplessness of their enemies.

This bold move ought to have suggested, and doubtless would have suggested to a more experienced Indian fighter than Keyes was at that time, that the hostiles must have a reason for their activity, of which he was not then aware. What this reason was, was made apparent two or three weeks later when Seattle was attacked by a large number of Klikitats, and other Indians who had found their way across the mountains, after the unsuccessful invasions of their country by Haller and Rains.

These reinforcements for the hostiles in the Sound country had crossed the mountains in small parties probably through the Snoqualmie Pass, which up to that time was unguarded, and by the Nachess road, after Maloney's retreat, and while Leschi and his band still held the crossings of the White and Green rivers. Their coming had renewed the hopes of Leschi's scattered warriors, and emboldened them to make the attack on Slaughter's party. Their hopes had been farther raised by the withdrawal of the troops from the valley, after Slaughter's death, and by "the temporizing policy" of Captain Keyes,* which he was beginning to think had caused them to suspend hostilities. It was in fact encouraging them to make a bold move, which they hoped would end the war, destroy the settlers, and restore them to the possession of the country.

Their plan was to attack Seattle and Steilacoom simultaneously, and if successful, the settlers would be at their mercy; they could dispose of them at their leisure. It seems to have been arranged that the Klikitats should strike Seattle, while Leschi would take care of Steilacoom, and it was evidently to secure reinforcements for this attack, that he made his visit to the island. He was unsuccessful, and

* Keyes' letter to Mason, Jan. 10, 1856.

SEATTLE IN 1864.

From a photograph in the possession of Clarence B. Bagley.

possession of the country.

* Keyes' letter to Mason, Jan. 19, 1856.

therefore his part of the undertaking was not attempted. But Seattle was attacked by the largest force assembled by the Indians in any battle west of the mountains. Seattle, in January 1856, consisted of a few cabins, a sawmill, and one or two stores, all grouped together within the space now bounded by Second Avenue, the Bay, and Jackson and Madison streets. From this area the trees had been cut away, but the stumps still remained, and no street had been graded. Most of the houses were on a small, low-lying peninsula, extending south from Yesler Way, and separated from the mainland by a marshy arm of the Sound, the northern end of which was being slowly filled with the saw dust from Yesler's mill. At its southern end this peninsula was nearly united to the mainland by a sandspit, running out from the eastern side, and through the opening between its end and the peninsula, the tide ebbed and flowed through a channel deep enough to be unfordable. Near the north end of the marsh was a small hill, or mound, all trace of which has long since disappeared, and on it a blockhouse had been hurriedly constructed, shortly after the White River massacre, when nearly all the men in town had marched away with Captain Hewitt to relieve the settlers. On the beach, not far away, was Yesler's mill and cook house. Beyond Second Avenue, and the northern and southern boundaries named, the forest remained undisturbed and unbroken, save by an opening toward the east, where a narrow trail led from the mill to Lake Washington, then known as Lake Duwamish. The forest made an excellent hiding place for besieging savages, and the little village, nearly all parts of which lay within easy range from it, would have been an easy prize but for the presence of the Decatur.

This warship had been cruising northward and southward from Seattle ever since her arrival, early in October, the object being to keep all Indians, particularly the warlike Haidahs from Alaska, whose visits were very much feared by the settlers, advised that she was on the lookout for them. On a recent visit to Bainbridge Island, she had run upon an uncharted rock, at ebb tide, and been so severely damaged that she had returned to the harbor with difficulty. There she was beached not far from the mill, and the carpenters were employed for several days in repairing and getting her afloat again.

Meantime her officers had been informed that hostile Indians were lurking in the neighborhood, and Captain Gansevoort, who had by this time succeeded Sterrett in command, kept the beach patrolled by a strong guard at night, to protect both ship and town against surprise. Some of the townspeople thought this entirely unnecessary, believing there was no considerable number of hostiles in the neighborhood. There had been some difference of opinion among the townspeople as to the danger of their situation for some weeks previous. As early as the preceding September, Chief Seattle had given warning that Indians were coming from east of the mountains to kill all the whites. Many thought this so improbable that it caused them little anxiety, but a few were anxious, and some of the women met and prayed together that the Lord would send them protection against their savage enemies. When the Decatur arrived in the harbor a few weeks later, her coming was regarded by these people as an answer to their prayers.*

There was a small camp of friendly Indians a short distance north of the blockhouse, but they had been

* Mrs. Abbie J. Hanford, in the Washington Historian, April, 1901.

accustomed to camp there when they wished ever since the settlers came, and their presence or absence was not particularly noted. The chief of this band, known as Curley, had so often and so loudly boasted of his friendship for the whites, that they believed they could rely upon him to give them warning in case any danger threatened them. But Captain Gansevoort and his officers distrusted Curley, finding that another Indian, known as Jim, who was much attached to Dr. Williamson, of the town, was far more trustworthy. He not only brought in more information than Curley did, but it was generally reliable, and often different from that offered by the other.

On the evening of January 21st Jim notified the doctor that a large number of Klikitats had crossed the mountains and joined Leschi and his hostiles, and of their plan to make a simultaneous attack on Seattle and Steilacoom. Owhi, one of Kam-i-ah-kan's principal lieutenants, was in command of the eastern Indians, he said, while other chiefs of less importance accompanied him. He was unable to tell how many warriors were with them, but gave their number as h-i-u—very large.*

Jim's report did not greatly alarm the settlers, when it was made known to them. They had seen no strange Indians in the neighborhood. The hostiles had assembled so quietly that no one suspected their presence. Captain Hewitt's company had recently returned from the White River Valley, and been disbanded, there being so little indication of further trouble, that there seemed to be no need to remain there. It had been arranged to keep a small guard,

* Hiu is the Chinook word for many. When pronounced h-i-u it means very many, and if further prolonged it means a very great many indeed.

at night, at the head of the bay and along the bank of the Duwamish River, as that was the only direction from which an attack was looked for, and even this was not very rigidly maintained. Nobody seems to have remembered the Snoqualmie Pass, or to have thought of Indians assembling on and near Lake Washington, and so keeping themselves under cover until they could take the town by surprise.

But Gansevoort maintained his patrol, and to be still further prepared, stationed a small howitzer on shore, opposite the sandspit at the lower end of the peninsula, to prevent any considerable body of the enemy from crossing at that point. During the night his guards covered a line nearly three-quarters of a mile in extent, or from the southern end of the peninsula to the blockhouse. These precautions were regarded as quite unnecessary by many citizens, and by none more so than by Governor Stevens, who had just returned from the Blackfoot country to his capitol, and was now making a tour of the Sound in the Active. He paid a visit to Gansevoort on the evening of January 24th, and on the 25th made a speech to the settlers, in which he expressed the belief that New York and San Francisco were not safer from attack than Seattle was at that moment.

But the governor was mistaken. The forest surrounding the city was at that moment full of hostiles, and they would already have begun their attack, but for a disagreement among their chiefs. Some of these, as Jim reported, had been in favor of making it while the Decatur was still fast on the beach, because she would easily be boarded while there, and all the arms and ammunition she carried captured. Others thought it better to wait until she was floated, and anchored off shore, and then, when all on board were asleep, after their night of watching, it would be easier to surprise

them. The Indian Jim claimed to have been present when these plans were discussed, and to have proposed, or at least to have favored, the latter. It was adopted and Jim immediately reported the fact to the officers of the Decatur.

On the night of January 25, 1856, the weather was chilly, but perfectly calm, so that the sailors and marines, as they paced back and forth on their beats, could hear the slightest sound made anywhere along the shore, or in the town. The officers were on the alert, expecting an attack. About 10 o'clock the hoot of an owl was heard from the forest, and this was soon answered by another, and then others from various points around the edges of the town. As these cries had not been noted before, it was easily suspected that they were signals made by the Indians, and this proved to be the case. But no attack was made until morning, and at the usual hour the guard was withdrawn, and the sailors returned to the ship to get their breakfast.

They were scarcely on board, however, when they were again ordered on shore. There had been some unusual movements about the camp of the Indians during the night, who were supposed to be friendly, and Captain Gansevoort who was on deck with his glass, through which he had been carefully observing the camp and the forest beyond, saw something that caused him to order his men to the shore again before they had time to get their breakfasts. What he had seen, whatever it was, was so significant as to demand his own presence on shore, and he was one of the first to land. As the returning boats reached the shore the men were quickly, but as quietly as possible, disposed in the positions they were to hold in case of attack. He then ordered a shell to be dropped in Tom Pepper's house, which was on the mainland not far from the southern end of the peninsula, by the

howitzer opposite the sandspit, and another in the woods from one of the guns on the ship, to develop the enemy, if any were present.

These shots had the expected effect. They were instantly answered by a volley from the timber, at all points surrounding the town, accompanied by the usual yells and beating of drums. The town was instantly aroused. Those citizens who had so confidently believed that there were no hostile Indians in their vicinity, now saw that they were surrounded by swarming hostiles. The members of Hewitt's company, so recently disbanded, hastened to get their rifles and participate in the conflict, while the women and children hurried from their cabins to the blockhouse, and other places under the guns of the Decatur. Fortunately for these, the guns of the Indians had generally been emptied, in response to the first cannon shots, or many of them would doubtless have been shot down as they ran through the streets to places of greater security. As it was, not one was injured.

The first volley fired by the Indians showed that their line completely encircled the town, on the land side, and that while not one of them could be seen, they were present in large numbers. Undoubtedly they might have captured the town, in spite of the Decatur, if they had attacked it more boldly. Its defenders were not more than 175 in all, 120 of whom were from the ship, the remainder being citizens. But for the presence of the vessel the town would have been easily taken, even if its inhabitants had been on their guard, as they were not, and all would have been massacred.

But it was not possible for savage warriors to overcome the opposition they met. Concealed and protected by the timber, they made a vigorous but ineffectual fight during most

of the day. Volley after volley from their rifles was poured into the town, but their bullets did little injury, most of its defenders being either beyond range or effectually concealed in the houses, or behind stumps and other objects, which saved them from injury. Meantime the guns on board the Decatur, and the howitzer at the southern end of the peninsula, continued to drop shells and solid shot, or to scatter charges of grape and shrapnel, at points along the Indian line where the smoke from their rifles indicated that such messengers would be most useful. All the forenoon the roar of the cannon and the sharp crack of the rifles continued. The ground along the hills beyond Second Street was torn up by exploding shells, and many of the trees along the edge of the forest were splintered by the grapeshot and shrapnel. Still the Indians held to their work and, above the crack of their rifles, their yells and whoops were frequently heard, mingled with the screams of their women, who were everywhere urging them on to greater efforts.

There was a lull in the battle about noon, the Indians apparently having withdrawn to refresh themselves with a feast which their women had prepared by slaughtering the cattle belonging to the settlers, which they had captured early in the fight. During this short respite the women and children were removed from the blockhouse, and other places in which they had taken refuge, and taken on board the Decatur, and the ship Brontes, which was then lying in the harbor, where they were cared for until all possibility of danger was past. Among these children was C. H. Hanford, at present judge of the federal court, who was then about seven years old.

An effort was made at this time, by some of the citizens, to remove as much as possible of their property, they had left

in their houses when they had abandoned them earlier in the day, as it was expected that the Indians would endeavor to set fire to them during the night. A few of these were successful. The Indians, seeing what was going on, resumed the battle, and it was continued with vigor during the remainder of the day. At one time a considerable body of the enemy, in the neighborhood of the lake trail, mustered courage to make a charge on a party of marines, consisting of only fourteen men, who were stationed in their front. This charge was firmly met and, when the Indians began to show signs of yielding, was followed by a counter charge by which they were driven back into the woods, from which they did not again show themselves. Had they been successful in breaking the line of the defenders at this point, they would doubtless have captured the town. This was the critical moment of the battle, and the firmness and courage of these fourteen marines doubtless saved the day.

The fighting continued, with more or less vigor, during the afternoon, but without any noteworthy result on either side. Occasionally when a shell would be dropped at some point on the attacking line where the Indians were thickest, its explosion would be followed by demonstrations indicating that some unusual damage had been done by it, and the marines and citizen-soldiers would take new courage. These shells were something entirely new to the Indians, and they were quite unprepared for them. They had never before seen guns which fired bullets that would shoot a second time after they had landed in their own immediate neighborhood. To their savage minds this was a very great medicine, for which no Indian necromancer could provide a counteracting influence.

As the afternoon advanced, and the shadows of evening began to gather, it was discovered that the Indians were making preparations to burn the buildings which were nearest their line, as it was expected they would, and it was feared that as darkness gathered they might burn the town. To prevent this Captain Gansevoort's gunners continued to shell the woods, and dispersed the incendiaries before their work was fairly begun. Firing along the Indian line gradually ceased until about ten or eleven o'clock in the evening, when it was discontinued altogether, and when the morning of December 27th dawned, the Indians had all disappeared, after having burned a few of the houses which were nearest the timber, and taking with them most of the cattle belonging to the citizens.

During this battle only two persons were killed on the side of the defenders of the town. One of these was a young man named Robert Wilson, who had been fighting behind the safe shelter of a stump; he was hit by an Indian bullet while changing his position for one further from the Indian line. The other was Milton G. Holgate, a brother of Lemuel J. Holgate and Mrs. E. Hanford, who was shot and instantly killed, near the door of the blockhouse, early in the battle. None were wounded, although several had narrow escapes. How many of the enemy were killed or wounded was never known. Lieutenant Phelps says the Indians afterwards admitted twenty-eight of the former and eighty of the latter. That some were killed and more wounded is certain, but as is usual with Indians in battle, they were carried away and their number carefully concealed.

The number of the Indians engaged in this attack has been variously estimated, but of course has never been accurately known. The Indians themselves probably did not know

how many warriors were present, and if they did they did not then or afterwards give any information about it. Lieutenant Phelps, who was an officer of the Decatur, and took an active part in the fighting, thinks there were at least a thousand present. But he is inclined to magnify the services rendered by the Decatur, and the dangers her officers and men encountered. Others have placed the number much lower. It is certainly known only that the attacking party was largely composed of Klikitats, and other Indians from east of the mountains, and that there were a h-i-u lot of them.

During the night of the 26th they disappeared as quietly as they had come. Many of them possibly retired across Lake Washington, and recrossed the mountains to their own country. Some followed Leschi and his warriors up the White River Valley, plundering and burning the deserted homes of the settlers as they retreated. Two days later there was not a house standing in King County, outside of Seattle, except at Alki Point.

A few days after this battle Leschi sent word to Captain Gansevoort that he would return in another month and destroy the town, but this threat was hardly necessary to admonish the citizens that it was now time to make preparations for their defense. The work was begun immediately. Mr. Yesler furnished a ship's cargo of lumber which he had recently sawed for shipment, to be used for fortifications, and with this and other material a barricade five feet high and surrounding the town, was constructed. It consisted of two board walls about eighteen inches apart, with the space between packed with dirt and saw dust. This made a fairly reliable wall of defense. Another blockhouse, near the first, was built, and the two were connected by a passage with a strong stockade on either side. These

blockhouses were provided with two small cannon, one of which was obtained from the Active. Many of the stumps that still encumbered the streets were dug up, or burned out, to clear the ground in case of a second attack, and so the first public improvements in Seattle were begun. A company of volunteers numbering fifty-one, of which Chief Justice Lander was made captain, was organized and the defense of the city committed to its care. From that time forth the settlers felt that they were secure against any attack, and so they continued until the end of the war.

Chapter XLVII.

WAR AT CROSS PURPOSES.

GOVERNOR STEVENS had now returned, and the war was to be prosecuted henceforth with vigor, and for a clearly defined purpose. Heretofore it had been but weakly waged. The regular troops under Wool's management had done little but march and countermarch, while Mason, laboring under the disadvantage of acting for another and not for himself, had called only for volunteers enough to defend the settlements, and had used them for defence only. They had fought well when opportunity offered, but had made no aggressive campaign, and had accomplished little. The Indians had not yet felt the real power of their arms. The murderers of McAllister and Connell, of Miles and Moses, as well as those of the White River settlers, and the goldseekers east of the mountains, were still at large and unpunished. Prosecuted in this manner the war might never end. Until the hostiles were made to feel that the government was strong enough to enforce respect for its treaties, and those among them who had murdered innocent settlers were surrendered, tried and punished, the settlers would be constantly menaced by their incursions.

The governor's return journey from the Blackfoot country had been full of perils. Through no fault of his own, the council held there had been prolonged far beyond the time when it should have terminated, and it was not until October 28th that his party was ready to leave Fort Benton. A thousand miles of mountainous country had now to be crossed, at a season a month later than had been expected. The prospect was discouraging enough, but the real difficulties and dangers of the situation were yet to be learned.

Soon after camp was made at the end of the first day's march, a nearly exhausted messenger appeared from the

west, with news that war had broken out, and that much of the country he was to traverse was filled with hostile enemies. This messenger brought letters from Mason, Simmons, Tilton and others, telling of Bolon's murder and Haller's defeat; that the volunteers had been called for, and that the company which Indian Agent Shaw had raised for his relief, after marching to Vancouver, had been refused arms and equipment by General Wool, and compelled to disband. He must therefore make a long winter journey through a hostile country, with only such defense against hostile attack as he could himself provide. His letters strongly urged him not to attempt this enterprise, but to return by way of the Missouri and Panama, as Wool had suggested.

But the governor was in no humor for such advice. The journey down the Missouri would not be without its dangers, since the way lay for hundreds of miles through the country of the warlike Sioux tribes, against whom General Harney was making a campaign, which, so far as he knew, was not yet concluded. The return by the direct route, if it could be made, would have many advantages over the other. Much time would be saved and the tribes not yet at war could be visited, and perhaps persuaded to remain at peace. To appear among these suddenly, and in the depth of winter, when he would not be expected, would impress them favorably, and help to urge them to the decision he wished them to make. More than all he would arrive home months earlier than he could hope to do by the other route, and, by rousing the settlers and conducting a vigorous campaign, he might end the war in time to permit the settlers to return to their homes and plant the crops there would be so much need for during the coming year.

His party consisted of only 25 men, and their animals were much exhausted by the hard service required of them in assembling the Blackfeet for council. There was need also for better arms and more ammunition, but, sending Doty back to Fort Benton for these, with instructions to rejoin the party at the earliest moment possible, the governor with only two companions pushed forward to the Bitter Root Valley to make arrangements for fresh animals and supplies. This he reached on November 4th, having covered a distance of 230 miles in a little more than four days, and four days later the train with fresh supplies overtook him.

Before reaching this valley, he had overtaken the Nez Perce chiefs, who had attended the Blackfoot council. They had already heard that war had broken out, but they declared they had no intention to take part in it. There were fourteen in this party, and among them was Looking Glass, who had made so much trouble at the Walla Walla council. These now expressed a desire to accompany the governor to the end of his journey, and share any danger to be encountered. They also wished him to visit their country, after the mountains were crossed, promising that a large force of their young men would accompany him to the Dalles, and protect him with their lives against any enemy.

On November 14th the party set forward again and crossed the Bitter Root Mountains on the 20th, in snow three feet deep. The Cœur d'Alene mission was reached on the 25th, where the Indians were greatly surprised to see them, as they had not believed it possible to cross the mountains so late in the season. Many disquieting rumors from the west had reached these people, and they were in doubt as to whether they ought to remain at peace or

join the hostiles. Emissaries from the hostiles had already been among them, and some of their young men were much inclined to war, but after a long conference with the governor they promised to remain neutral.

Here it was learned that four men who had been sent to the Spokane country with goods to be used in the council with that tribe, had arrived there, and that a party of fifteen goldhunters who were returning from the Colvile were with them. The governor accordingly resolved to go to their relief, and at the same time hold the council he had intended to hold there earlier in the season, if the Indians could be induced to attend it.

Sending Craig with three of the Nez Perce chiefs to Lapwai, to assemble the Nez Perces in council by the time he should arrive there, the governor and the remainder of his party now started for the Spokane country, where there was reason to expect the Indians were already in a hostile humor.

The Spokanes were even more surprised than the Cœur d'Alenes had been when the party arrived. A council was immediately called, to which Angus McDonald, the Hudson's Bay agent at Fort Colvile, and the Catholic missionaries in its neighborhood, were invited. On the day appointed, they arrived, and the Spokane, Colvile and Cœur d'Alene Indians were present in large numbers.

The two former tribes were extremely hostile at the outset. They said the war had been raised by the white people, and they wanted it stopped. They had not joined in it yet, but would make no promise not to do so. If the Indians now at war were driven into their country they would not answer for the consequences; probably many of the Spokanes would join them. But after a stormy council lasting

several days they were entirely conciliated, and promised they would reject all overtures of the hostiles, and continue the firm friends of the whites.

Having successfully concluded his negotiations with these tribes the governor set off for the Nez Perce country, after adding the nineteen white men, who had been living in a blockhouse they had constructed for their defense, to his party, and by a forced march reached the Clearwater in four days. Here he found the whole Nez Perce nation assembled to meet him, and the council was promptly opened. The Indians were found to be loyal to the treaty they had made, and they offered to send 150 of their young men, if the governor wished them, to escort him through the Walla Walla Valley, which they supposed to be now filled with hostiles. But before the council was over news came that the Oregon volunteers, after four days of hard fighting, had completely routed the enemy, and driven them across the Snake River.

On the day after this council the governor started for the Walla Walla battleground, escorted by sixty-nine Nez Perce warriors, and reached it without encountering any hostiles. They had all been driven out of the country by the Oregon volunteers, who were still in their camp on the battlefield. But the country between the Blue Mountains and the Columbia was reported to be overrun with hostiles, supposed to number 1,000 to 1,200 warriors.

With the Oregon troops the governor found Indian Agent Shaw, who had come hither to meet him. There were also about twenty-five settlers remaining in the neighborhood, all the others having fled to the Dalles. These Shaw was directed to organize into a company, together with such members of the governor's party as could be left with him,

to build a fort, and to maintain it at all hazards, in case the Oregon troops should be withdrawn. The Nez Perce warriors were disbanded and sent home.

Having completed these arrangements, the governor set out on New Year's day for Vancouver, accompanied only by his son, one white man and two Indians. The weather had been very cold for several days, and the river was frozen over, so that the trip, as far as the Dalles, was made on horseback. All the streams were crossed on the ice, until the Des Chutes was reached, which, although frozen on either side for a considerable width, was a raging torrent. The horses were forced into and across it with difficulty, but without accident. From the Dalles to Vancouver the party journeyed part of the way on horseback, part on foot and part in an open boat during a violent gale, but that destination was finally reached in safety.

Here the governor had hoped to find General Wool, but he had left only the day preceding for San Francisco. After conferring with Major Rains, who had been left in command at that point, and ascertaining something of the policy to be pursued by the regulars under Wool's orders, he hastened on to Olympia, arriving there on Saturday, January 19th. The legislature was in session, and the two houses sent a joint committee to invite him to address them, which he did on Monday afternoon. There had been no time to prepare a written message, and the address was purely extemporaneous. He hurriedly reviewed the causes of the war, and the work done both by the regulars and volunteers since it began, noting, though not unduly emphasizing, the fact that the principal fighting had been done at Walla Walla by the Oregon volunteers, while the regular troops were in garrison. He had learned there that those in command of

these troops contemplated no movement against the hostiles until May, but in his opinion active operations should begin at once. The weather east of the Cascades was not unfavorable for military operations, nor was it likely to be so during the remainder of the winter. There was abundant fuel there for the camps, and grass for animals. The mountain passes were closed with snow, preventing the hostiles on one side of the mountains from going to the help of those on the other, or from escaping if attacked and closely pressed.

The time to begin and actively press a campaign against them was while these conditions prevailed. If delayed until summer he was convinced that it would be necessary to defer them until winter again, for when the snow melted they would find innumerable places of refuge in the mountains that were now closed to them, and besides it would be easy for them to procure game, fish and roots for their subsistence, where in winter it would be difficult.

There was another reason for pressing the contest at once and with vigor, and that was that the volunteers would be anxious to return to their homes, as the planting season approached, in order to provide food for their families. If the war should continue they must raise a crop during the summer, or be without food in the winter following, whether the war continued or not. By prompt and vigorous action, the hostiles west of the mountains could be so far reduced that it would be safe for most of the settlers to return to their homes by planting time, where by building blockhouses they could defend themselves in case of attack, and attend to their ordinary affairs.

It has been charged by the careless, who have not taken the pains to ascertain what the facts are, but have accepted General Wool's statement that it had been reported to him

while in Oregon, "that many citizens, with a due proportion of volunteers, and two newspapers, advocated the extermination of the Indians," as applying to Stevens also; that he, in this speech, or elsewhere, declared his purpose or wish to exterminate them; but this is not the fact. The object of the war, as he plainly said, should be to enforce respect for the treaties already made, and to compel the surrender of all those who had committed wanton murder, for trial and punishment. Nothing less would secure a lasting peace and the safety of the settlements. To make new treaties or agreements, or to offer to treat with the hostiles while in arms, would only encourage them to renewed hostility. They must be taught that they could not wantonly break their engagements, or murder the settlers with impunity. Until this was done, and the authority of the government asserted and recognized, no peace that might be proclaimed could be lasting.

The governor had embodied these views, both as to the time and method of making the war, and the purpose of it, in a letter written to Wool from the Walla Walla camp under date of December 28th. In it he also gave that officer full information in regard to the results of Kelly's battle, the present temper of the tribes, as indicated in the councils he had recently held, or by information he had personally obtained, and also renewed the suggestions he had made in his letter of the preceding May, in regard to the disposition of troops in the country now hostile. He courteously urged upon the old general's notice, the advantages of a winter campaign, and pointed out the means by which his forces could be regularly supplied at least expense. Generally, he offered all the information which one military officer, who is familiar with the country in which a war is to be

urged, and knows the number, temper and condition of the enemy, the advantages on which he will rely, and the obstacles he will need to overcome, will know to be valuable to another wholly without information of this kind.

This letter was not dispatched until after he had reached Olympia, and there, on January 29th, he added such further information as he had obtained about the attack on Seattle, and the progress of the war in general. In closing this second letter, which was really in the nature of a postscript, he frankly told Wool that he should report to the secretary of war the neglect with which he had been treated by himself and others in authority. "It remains to be seen," he said, "whether the commissioner selected by the president to make treaties with the Indians in the interior of the continent, is to be ignored and his safety left to chance."

As might have been expected this letter drew from Wool a sharp reply. The governor would find in due time, he said, that many of his suggestions had been anticipated. But in making them he should have recollected that the commanding general "had neither the resources of a territory, nor the treasury of the United States at his command." Still he might reply that the war would be prosecuted with "vigor, promptness and efficiency," but also "without wasting unnecessarily, the means and resources at my disposal, by untimely and unproductive expeditions." With the aid of the force recently arrived, he thought he would be able to bring the war to an end within a few months, "provided the extermination of the Indians, which I do not approve of, is not determined on, and private war prevented, and the volunteers withdrawn from the Walla Walla country."

The remainder of this rather long letter was devoted to a statement of the causes of complaint which he had to allege against the governor of Oregon, the settlers, and the volunteers, for their treatment of the Indians. He evidently regarded them as the sole aggressors, and charged them with responsibility for every inexcusable act that had been committed by either side since the beginning of hostilities.

That censurable acts had been committed by individuals both among the settlers and volunteers was, unfortunately, not to be denied. The mutilation of the dead body of old Peo-peo-mox-mox was not to be defended, nor could the slaughter of a small band of peaceful Indians, mostly old men, women and children, which had taken place in southern Oregon, be excused. There had been wanton murders of Indians by white men, as well as of white men by Indians, in both territories, and horses and cattle had been stolen from Indians in the Walla Walla country, who were not hostile, while the Oregon volunteers remained there. But these were the acts of individuals, and were in no way sanctioned by the authorities, or by the great mass of settlers. Neither the governors of the territories, nor the officers of the volunteers could entirely repress the criminal element while the war was in progress, any more than they could prevent crime in time of peace. The camp-followers, who had harassed the settlers during their long journey across the plains, had not abandoned the country, or been driven out of it, before hostilities began. The disturbed conditions incident to war only encouraged these persons, undesirable in any community, to a freer indulgence of the inclinations and passions, which in a state of peace made them troublesome enough, and in war, even though in the ranks, a source of annoyance and anxiety at all times except in actual

battle. But General Wool charged the misdeeds of these renegades and outlaws to the account of the territorial authorities and the settlers, without discrimination, and as confidently as if he had supposed the frontiers ought to be inhabited only by highly cultivated people of one class and of equal accomplishments.

The governor returned no reply immediately to this sulky letter. In March Wool made another hasty journey to the Columbia, and for the first time visited the Sound. Hearing that he was at Fort Steilacoom, on the 15th, Stevens sent his adjutant-general to confer with him, bearing a letter in which he informed the general that he had called out a large force of volunteers and Indian auxiliaries, and stood ready to coöperate with the regular forces "in any plans you may think proper to adopt." But the general had left the fort when this messenger arrived, and returned to San Francisco by the survey steamer Active. His hurried visit to, and early departure from, a region where he was responsible for so much, and where it would seem to be necessary, or at least desirable, to procure complete information about many things of which he must then have been ignorant, indicated clearly that he had no wish to meet the man whom he had so recently left to make his way home through a thousand miles of hostile Indian country, without making the slightest effort, or permitting others to make any, to assist him.

Five days later, on March 20th, the governor made his reply to the general's letter from California. It was much longer than either of his former letters, and was vigorous in style, thorough in method, and merciless in its logic and conclusions. In it the course of the war was reviewed at length, and the conduct of it on the part of the regulars and the volunteers was contrasted with no credit to the

former or their commander. Wool's charges against the territorial authorities and the settlers were reviewed, and one by one refuted or answered. It was denied that Peo-peo-mox-mox was entrapped by a flag of truce, or that he was unfairly slain. The governor had investigated the whole matter on the ground, and was satisfied, the testimony of friendly Indians showing that he had deserved death. He and others reprobated the indignities offered his person after his death. It was admitted that turbulent men among the volunteers had done some injury to Indians who were not hostile after the battle, but this would have been prevented had the regular forces been properly employed. The general was reminded that he was now sending reinforcements to the territory—two companies of the 9th infantry recently arrived on the coast in response to his request—although only a short time previously he had refused the aid of volunteers, declaring they were unnecessary.

He was also reminded that after sending these two companies, and saying that they ought to be sufficient, with the aid of the warship Massachusetts, recently arrived in the Sound, "to bring to terms two hundred Indian warriors," that he had permitted his subordinates to call upon the territorial authorities for two companies of volunteers, although knowing that they could not be furnished. He had also ignored the fact that Captain Keyes had asked for six additional companies, while Colonel Casey, who had arrived in command of the reinforcements, had already reported that eight companies should be permanently stationed in the Sound country. Thus the testimony of his own acts was offered to prove that his plan for conducting the war was at fault.

Nobody in the territory, so far as the governor knew, was in favor of exterminating the Indians. The territorial authorities certainly were not, and in proof of this he called attention to the fact that more than four thousand friendly Indians had been assembled in safe places on the west side of the Sound, and on the islands, where for five months past they had been watched over by agents, and cared for by the government, to prevent them from joining the hostiles. The good conduct of the settlers had strengthened the hands of the government in this work. He also pointed out that the Nez Perces, Spokanes and Cœur d'Alenes had not yet joined in the war, and the reason why they had not was because he himself had recently been among them, and secured their promise to remain neutral. But the Spokanes were being harassed by Kam-i-ah-kan and his malcontents, and were now asking that troops be sent to protect them. He had himself long ago recommended that this be done. Unless this request was heeded they might take the war path. To protect these and other tribes not yet hostile, a blow should be struck east of the Cascades before the close of May; if it were not struck the warriors already in arms would most likely be increased from a few hundred to two thousand. In that case, said the governor, "I warn you now, sir, that I, as governor of Washington, will cast upon you the whole responsibility of any difficulties that may arise in consequence, and that by my firm, steady and energetic course, and by my determination to coöperate with the regular service, whatever may be the provocation to the contrary, I will vindicate the justice of my course, and maintain my reputation as a faithful public servant."

This severe arraignment Wool did not answer. He directed his adjutant to return the letter to the writer, as not proper

to be retained in the records of his office, and so ended the controversy as far as he was concerned. But the governor was not subdued by this rebuff, and thenceforth continued to write the major-general commanding whenever the public business seemed to require it.

This correspondence is interesting at the present day, chiefly as showing the differences which divided and confused the efforts required to subdue the hostiles and end the war. Had Stevens' policy been adopted, and followed with the vigor he wished to infuse into it, the war would have been ended within a few weeks. The hostiles would have been dispersed, the murderers punished, the treaties respected, and the authority of the government recognized. This policy would in the end have proved to be more humane than that which Wool persisted in following. War is at best a harsh and cruel business. It does not admit of any sentimental consideration for the enemy. "War is hell," said General Sherman, and he certainly had experience enough of it to entitle his opinion to respect. General Wool's mistaken policy undoubtedly prolonged the war for two years beyond the time when it should have been ended. Had he permitted it to be conducted with energy, as Wright or Casey would have conducted it if left to themselves, it would have been finished by a single campaign; the lives of several brave officers and soldiers would not have been needlessly sacrificed, as they were by Steptoe's repulse; eastern Washington might have been opened to settlement at least two years earlier than it was; the Spokanes and Cœur d'Alenes, who were not yet involved in the war, and who really wished to remain at peace, would not have been drawn into it, and many of the Indians whom Wright subsequently hanged,

might have escaped the gallows, or at least have died in battle.

While this wordy war between the governor and the major-general commanding was going on, the former was preparing, with his accustomed vigor, to force the war to a conclusion. On the day after his address to the legislature was delivered, a proclamation was issued, calling for six new companies of volunteers to serve for six months. While these were organizing he made a trip down the Sound to inspect the Indian reservations, and secure such information as would be needed to prepare that part of the territory for defense. It was on this trip that he visited Seattle, just before the Klikitats attacked it. While on this trip he met and conferred with Patkanim, chief of the Snoqualmies, who offered to serve against the hostiles with eighty of his warriors, and, while distrusting his sincerity, resolved to put it to the test, and leaving Agent Simmons with him to direct his movements, and make sure of his loyalty, he sent him by way of the Muckleshoot, to coöperate with the forces then watching Leschi on the Green River.

The attack on Seattle had evidently admonished the governor that the disaffection among the Indians was more general, and that the means of communication between the hostiles east and west of the mountains were better than he had supposed. The dangers of the situation were therefore greater than he had calculated, and more effective measures were required. He had already announced to the legislature that he intended to call for more volunteers, and that he would not place them under Wool's control by having them mustered into the service of the United States. Although willing to coöperate with the regulars in every active way, he would retain control of the forces raised, and direct

their movements himself, and in order that those already mustered might be reënlisted as quickly as possible, he issued a general order on February 1st disbanding them.

The new levy was now quickly raised, and organized as the 2d regiment, in three battalions, known as the northern, the central and the southern, with Agent B. F. Shaw as lieutenant-colonel. The first was commanded by Major Van Bokkelin of Port Townsend, and consisted of companies G, Captain Smalley, raised at Port Townsend; H, Captain Peabody, raised at Whatcom and in the lower Sound country; and I, Captain Howe, from Whidby Island and vicinity. It was to guard the Snoqualmie Pass, and operate as might be required in the country north of Seattle. The central battalion, under Major Gilmore Hays, was composed of Companies B, Captain Rabbeson, from Thurston County; C, Captain Henness, from Mound Prairie; E, Captain Riley, from Steilacoom; F, Captain Swindall, from Sawamish (Mason) County; the pioneer company under Captain White, and the train guard, commanded by Captain Shead. The southern battalion was commanded by Major H. J. G. Maxon, and was composed of the Washington Mounted Rifles, from Vancouver; Company D, Captain Achilles, from Lewis River, and two companies which had been raised in Oregon and were commanded by Captains F. N. P. Goff and Bluford Miller.

The governor's plan was to guard the line of the Snohomish by the whole available force of the northern battalion, to move with the central battalion at once into the heart of the enemy's country, with one hundred days' supplies; to operate with the southern battalion east of the Cascades, and to combine all operations by a movement from the Sound to the interior, or from the interior to the

Sound, according to circumstances. It was also determined, if possible, to occupy the country permanently by roads and blockhouses, and the pioneer company had been enlisted expressly for that service.

Before the end of February the central battalion had moved to Montgomery's, and established a post at the crossing of the Puyallup, on the Nachess road. The northern battalion had taken post on the Snoqualmie and Major Maxon, with the southern, was preparing to advance into the region east of the mountains.

Agreeable to the promise made to Governor Stevens, Patkanim, with fifty-five of his warriors, started up the Snohomish and Snoqualmie rivers early in February, intending to cross the country back of Lake Washington, by trails with which he was familiar, and fall upon Leschi's party wherever he might find them on White or Green rivers. Agents Simmons and Fuller accompanied him as had been arranged. When near Snoqualmie Falls, they fell in with an Indian camp which Patkanim's warriors surrounded, and seventeen Indians, three of whom were Klikitats, were taken prisoners. Two of these Patkanim hanged and beheaded, and the third turned informer in order to save himself, and offered to guide his captors to the hostile camp they were looking for. He was in possession of much interesting information which he readily imparted. He said that a large number of his people were in arms—probably five or six hundred and that many of them had crossed the mountains to make war on the whites. Some of them had taken part in the attack on Seattle, and Leschi's and Nelson's bands had also been present, though neither of those chiefs were there. Their bands were now encamped in four parties on Green and White rivers, near the military road,

and there were besides about thirty armed warriors back of Seattle, in the neighborhood of Lake Washington. As soon as the snow melted, he said, a large party of Yakimas and Klikitats would cross the mountains again to take part in the war.

Having obtained this information Patkanim pushed on southward toward Leschi's camp, using his captive for a guide. He hoped to surprise the hostiles, but his approach was betrayed by the barking of their dogs. A battle followed, lasting several hours, in which it is reported that eight of Leschi's warriors were killed; the heads of two of these were cut off by the Snoqualmies and carried away as trophies.

The hostiles had now begun to send bands of marauders through the country west of the Puyallup, and along the Nisqually toward Olympia. One of these waylaid and murdered a teamster named Northcraft in the employ of the quartermaster department, on February 24th, plundered his wagon and drove off his oxen. His body was not recovered for several days. On Sunday, March 2d, another party sprang upon William White and his family as they were returning from church near Olympia about 5 o'clock in the afternoon. This was the White who had come to Oregon in 1850 in search of health, and his courageous wife with her three children followed a year later, driving their own ox team from Wisconsin to the Grande Ronde, where he met them. Mrs. White and Mrs. William Stewart, her sister-in-law, were riding in a light wagon, drawn by one horse, and Mr. White was walking beside it, when the Indians fired upon them from some bushes near the road. Most of their bullets flew wide of the mark, but White was hit and mortally wounded. The horse took fright and ran

away, throwing Mrs. Stewart, who had an infant in her arms, between the wheel and the body of the wagon in such a way that one of her feet was badly crushed by the wheel as the horses ran. White's body was not recovered until the following day.

The regular troops in the territory had now been strongly reinforced. The 9th infantry, which Wool had asked to have sent to him from the East, had arrived, and on December 5th was ordered to the Columbia. On January 29th Lieutenant-Colonel Casey, with two companies, under command of Captains Pickett and Guthrie, had arrived at Steilacoom, where the force now amounted to four companies of infantry and one of artillery, and Casey had superseded Keyes in command. The other companies took post at Vancouver, from which point Colonel Wright, who was now in command of the district, was to advance into eastern Washington.

Wright and Casey were both energetic and capable officers, but both were hampered by the instructions they had received. Casey's first move was to establish a blockhouse on Muckleshoot Prairie, near the scene of the White River massacre, which had been a center of considerable activity, and make it a central position for his own operations. Then taking personal command of the forces in the field, on February 25th, he moved to the crossing of the Puyallup, and two days later to Lemmon's Prairie.

It was here that the famous war chief Kanasket was killed. He was shot by one of the guards, as he and four other Indians were cautiously approaching the camp, just at daybreak, hoping no doubt to kill one or two of the few men then awake, and escape. The guard fired at the foremost of the five and he fell, shot through the body. His four companions made

their escape. When the soldiers who had been awakened by the shot, hurried to the place where the wounded Indian lay, they found that his lower limbs were paralyzed, but he was still defiant. He was a man of powerful build and a genuine savage by nature. "I am Kanasket," he shouted in Chinook; "kill me, for I hate you, and would kill you if I could." They dragged him to the camp by the heels, for he still fought vigorously with his hands, striking at all who came within reach, and shrieking his hate and defiance. Efforts were made to restrain his struggles, and quiet his ravings, but without avail, until a soldier, putting the muzzle of his musket close to his head, blew his brains out, and so ended his misery.*

As his wound was mortal, and it would probably have been impossible for surgical science to do anything for his relief, even if the surroundings had been more favorable, and the old savage had made it possible, it was perhaps not inhuman thus to terminate his struggles and his sufferings. But it was well that it was done by the regulars, and not by the volunteers, or Wool might have made it a new cause for casting aspersions on the territorial authorities and the settlers.

On the morning of March 1st, an advance toward White River was begun, and about noon Lieutenant Kautz, who was leading, and had reached White River about two miles above Muckleshoot, found himself confronted by a considerable body of the enemy, while another party had got in his rear, making his situation very perilous. His men hastily constructed such barricades as they could, with the drift-wood, fallen timber and other material about them, and so

* Fifty Years Observations of Men and Events, by General E. D. Keyes, p. 256.

held their ground until the main body came up, although two were wounded soon after the firing began. Keyes soon came to his relief, and as the Indians were concealed in the thick timber on the hill beyond the river, while the troops occupied the valley where they were unprotected, a charge was ordered. It was made in fine style, although the soldiers were obliged to cross a wide open space, from which the timber had been burned, along the hillside, where they were wholly unprotected from the bullets which the Indians showered upon them. Two soldiers were killed and eight wounded in this charge, among the latter being Lieutenant Kautz, who was shot through the leg. The Indians were completely routed.

On the 5th Keyes was sent, with 120 men, to attack a camp of Indians six miles above the Muckleshoot, in the middle of a swamp, where they had apparently determined to make a stand, having made some crude efforts to fortify the place with rude breastworks. But they had abandoned these by the time the regulars came up, and they failed to find them.

Five days later, however, Major Hays and his volunteers found them beyond Connell's Prairie, near their former battleground on White River, and fought the hardest battle of the war, in the Puget Sound country.

The pioneer company, which had just completed a block-house at Connell's Prairie, was started forward on the morning of March 10th, to build another at the crossing of the river. Lieutenant Hicks, with two men, was sent in advance, as scouts, the remainder of the company following with their saws, axes, hammers, etc., in one hand, and their rifles in the other. After crossing the first ridge beyond their camp, Hicks and his party found indications that a

considerable number of Indians had been in the vicinity very recently, and halted. Not an Indian was in sight, and no sound betrayed that any were near at hand. But there on the ground were their own, and the tracks of their animals, which certainly had only very recently been made.

The scouts started back to meet the company, which soon came in sight, on the crest of the hill, and Hicks gave the alarm. Instantly a score or more of Indian rifles were discharged. The woods seemed to be swarming with Indians, where only a moment before none were to be seen. Their bullets flew thick and fast, but fortunately no one of the scouting party was hit by them. The remainder of the company soon came forward, and the men took such shelter as they could find, behind trees and fallen logs, and began to return the enemy's fire. While fighting in this way three of the pioneers were wounded.

The firing was heard at camp, nearly a mile away, where Captain Henness' company was already in line, preparing to start on a scout, and twenty of them were hurried forward. Another party of fifteen, under Lieutenant Martin, soon followed. The Indians by this time were extending their line toward the left, and evidently preparing to give battle in earnest. Most of those seen were nearly naked and in war paint, a pretty sure indication that they meant to fight. When Captain Hays came up, he sent Lieutenant Van Ogle, with fifteen men, to prevent the hostiles from further extending their line, and these proving insufficient, Captain Rabbeson, with another detachment, was sent to his assistance. By this time the fight had become general. The Indians held the crest of a hill, while the volunteers were below them, with but little to protect them from the bullets of the enemy, and in this way the firing continued for nearly two

hours. Then Captain Swindall, with the Sawamish company, and Rabbeson, with his Olympians, were ordered to charge, while Henness and White were to hold the positions they then occupied, and keep the enemy employed.

This order was promptly obeyed, Swindall attacking the center, while Rabbeson and his men, after wading a deep slough, assailed their left, driving the hostiles from their position, and pursuing them for some distance. Upon their return Captain Henness was instructed to make a charge upon those in his front, but as they were on top of a steep hill, and well protected behind logs and trees, it was thought better to send Swindall and Rabbeson to attack their flank, which was done in gallant manner. As the hostiles began to give way, Henness followed them closely and they were soon routed, and driven from the field. The fighting, which had begun shortly after 8 o'clock in the morning, was over at 3 p. m.

The volunteers pursued the fugitives for a mile or more, over trails giving many indications that they had suffered severely in the battle. Hats, blankets and shirts stained with blood were picked up here and there, and many places where the wounded warriors had stopped, or been laid down to rest by those who carried them from the field, were found marked with their blood. But two of the dead were not carried away, though Captain Hays was of the opinion that not less than twenty-five or thirty were killed. None of the volunteers were killed, and but four wounded.

Only 110 volunteers were engaged in this, the longest and severest battle fought by the volunteers. Hays estimated the Indians at twice that number at least. "I regard the victory of this day as complete—a grand triumph," he said in closing his report. "The Indians had together

their entire force. They picked their own ground. They brought on the attack without being seen by our troops . . . I do but justice to the officers and privates, when I say that each acted a distinguished part—each performed his whole duty."

The Indians were now driven from this stronghold on the Nachess road, at the crossing of these rivers, for good. Within twenty-five days they had been attacked and compelled to fight by Casey's regulars, Hays' volunteers and Patkanim's Indian contingent, and they saw that there was no hope for them. They did now what it was known they would do when defeated, and that was to break up into small marauding parties, and attack the settlers in their homes, the hunter in the woods, or the wayfarer on his journey, if he should fall in their way. But even in this murderous work they found that preparation had been made for them, and that they could not pursue it unopposed.

Early in March the governor had foreseen that better use might be made of Maxon's southern battalion, than to send it to assist the regulars, when they should be ready to move east of the Cascades, and had ordered it to the Sound. Maxon was an experienced fighter, having been engaged in every campaign since the Cayuse war, and a hard rider as well. He was such a trooper as Sheridan would have delighted in. The messenger sent for him left Olympia at midnight on March 2d, and by the 11th Maxon reported with his company at Olympia. The distance traversed by the messenger, and by the command, was nearly 300 miles; the roads were in the worst possible condition, and the weather rainy. The other companies from the Columbia soon followed, and Maxon with his own company and those of Captains Miller and Achilles, were

stationed along the southern border of Pierce and Thurston counties, with orders to scout the country in all directions, while Captain Goff's company was held in reserve at Olympia.

Two small companies of friendly Indians under Sidney S. Ford, Jr., and Wesley Gosnell, mostly from the Chehalis and Squaxon tribes, were now brought into use for scouting duty, and rendered very efficient service. But the two white men who commanded them lived in constant danger from their treachery. Ford listened for a long time one night, while lying wrapped in his blanket and supposed to be asleep, to some of his Indians discussing the advisability of killing him and dividing the goods and valuables he had with him, and Gosnell was always suspicious of some members of his party who, he felt sure, were quite willing to betray or murder him. But neither of these intrepid pioneers flinched from the service he had undertaken, and both rendered excellent service during the remainder of the war.

The whole country east of the Sound, from the Skookum Chuck to the Snoqualmie, was now a warground through which the Indian marauders were to be hunted. No friendly Indian was allowed in it without a pass. All others were shot, if they offered battle; if captured, they were tried by commissioners appointed by Colonel Casey, or the governor, and if proven guilty of any murder, or of inciting the peaceable Indians to war, were hung. If innocent they were sent to the reservations under the charge of agents. These commissioners usually conducted the trials with fairness and moderation, and no complaint has ever been made that any Indian was unjustly sent to his death by them. Stevens reported to Wool that of eight who were tried at

Camp Montgomery, by a court composed of volunteers, seven were acquitted, and the sentence against the eighth was not inflicted.

How many Indians were killed by these scouting parties is not known, but that some were killed is certain. Captain Swindall reported, on May 2d, that he had shot one himself and one of his parties had killed four, and Tilton speaks of eight as having been killed by Maxon on the Nisqually. Maxon himself, in reporting a subsequent expedition, mentions having passed the place where these were killed, but without mentioning their number.

By the 23d of May Stevens was able to report to Secretary Davis that "the war has been prosecuted with exceeding vigor and success." The Indians had been defeated by the regulars, and by the volunteers, and "have been repeatedly struck since by the regulars, the volunteers and the Indian auxiliaries. The country has been repeatedly scouted in every direction, and is now firmly held by blockhouses and roads." Two hundred Indians had been got in back of Seattle, and nearly three hundred on the Puyallup and the Nisqually. "The main body of the hostiles," he says, "have been driven across the mountains, and under the lead of Leschi are in the camp of the confederated hostile force on the Nachess Pass."

While both volunteers and regulars were thus pressing the enemy with vigor, and bringing the war to a close on the Sound, Colonel Wright, under Wool's instructions, was leisurely preparing to advance from Vancouver into eastern Washington.

"As soon as the season will permit," his instructions began, "you will establish the headquarters of your regiment at Fort Dalles." Wool could not dispossess his mind of

the notion that the climate of Washington was similar to that of New York, or Hudson's Bay, and that campaigning in it during the winter would be impossible, although he well knew that the Oregon volunteers were still holding the Walla Walla country, and that operations had not been suspended for a single day in the Sound region.

He had now determined to establish a post in the Walla Walla country, as Stevens had recommended, and one at the Selah Fishery on the Yakima. "Expeditions for these points should be prepared at the earliest moment, that is as soon as grass can be obtained," he said, "and as the snow will probably not allow the expedition to the latter so early, by three or four weeks, as the former," the one to Walla Walla, was to be undertaken first. After these posts were established, Wright was to occupy the country with four companies, and "to ascertain the surroundings and dispositions of the several tribes" in that region. By that means Wool was confident that the hostiles would "very soon sue for peace or abandon their country."

There was nothing in these instructions directing the colonel to use his force for the purpose of punishing the Indians for violating their treaties, or for murdering the settlers and miners, or to compel them to respect the authority of the government. Indeed he was thinking rather of their protection than their punishment. "Should you find, on the arrival of the troops at the Cayuse country," the instructions said, "that a company is necessary to give protection to the Cayuse Indians from the volunteers, you will leave a company there with the howitzer and ammunition."

Convenient means of transportation had now been established on the Columbia, from Vancouver to the Dalles, and even above that point. A small steamer ran to the

Cascades, and smaller ones from the Cascades to the Dalles, while Chenoweth and the Bradfords were getting their tramway around the portage into fairly good working order between. There were other boats, going with some regularity, as far as Fort Walla Walla. These transportation facilities had been created to meet the wants of the military, and to supply miners and other settlers who had been attempting, for some years, to gain a foothold in the country. During the preceding winter a blockhouse had been built at the middle Cascade, which was known, though not officially, as Fort Rains, and a small number of regulars were constantly kept there. At both the upper and lower Cascades there were mills and warehouses, with convenient landing places for boats. Several houses had been built, and a number of families had established themselves there.

Wright's leisurely preparations were suddenly expedited, early in March, by an attack by a band of Klikitats, on a small settlement at the mouth of White Salmon River. No one was killed at this time, but a considerable number of cattle were stolen and driven away. Learning of this raid Wright dispatched Lieutenant-Colonel Steptoe, with two companies of the 9th regiment, to relieve the invaded settlement, and two other companies intended for the Walla Walla expedition soon followed. On the 11th Colonel Wright himself arrived at the Dalles, and established his headquarters there. All the soldiers at Fort Rains, except ten, were withdrawn, and there being no indications of trouble in the neighborhood, the four companies, with Wright in command, moved out from the Dalles toward Walla Walla.

As soon as they were safely gone, on the morning of March 26th, these settlements at the upper, lower and middle

Cascades, were simultaneously attacked by a large band of Indians. Kam-i-ah-kan had apparently collected all his warriors from the Yakima Valley, and prepared to attack the settlements as soon as Wright should pass up the river. Now supposing that he had gone with his entire command, his warriors, who had been hidden in the timber on the high banks as he went by, made ready for their bloody work. As is usually the case in an Indian attack, no warning was given; the men at the upper, lower and middle Cascades were about their usual employments, in the mills, on the wharves, and along the tramway, and the little steamers Mary and Wasco were lying at their moorings, without the fires yet having been lighted in their furnaces, when the first shots were fired. One of the men at work on the tramway was killed at the first fire, and most of the others fled to Bradford's store, though three of them went in the other direction to the blockhouse, a mile and a half distant. A rain of bullets fell about them as they ran, the high ground back of the river seeming to be covered with Indians, who were now yelling like fiends. Two families near the store also hurried to it for refuge. A boy living with one of these was shot, as he was leaving the house, and James Sinclair, from Fort Walla Walla, was killed at the store door, while encouraging those who were running toward it. He was struck by a bullet in the head and killed instantly.

As soon as all who were hurrying to the store had reached it, the doors were closed and barricaded. Fortunately nine government muskets, with ammunition, had been left in the place for shipment, as the troops passed up the river, and these were the salvation of the party.

The building was but a poor protection against an Indian attack, but it was hurriedly put in as good condition as

possible for defense. There was no one in the upper story, and the stairway was outside. As it was desirable to reach the upper floor and none dared attempt to go by the stairway, the stove was removed, and the hole through the floor enlarged with saws and axes, and the whole party transferred through it to the upper part of the building. Here loopholes were made, the muskets brought into use, and the besieged soon had the satisfaction of seeing that their fire was effective. Wherever an Indian showed himself within range, he was either killed or forced to seek shelter.

As soon as possible after the battle began those on board the steamers kindled their fires and began to get up steam. The Wasco was on the Oregon side of the river and the wind, which was blowing a gale at the time, was in her favor. She easily got away and left for the Dalles. The Mary was at the wharf near the store, and the Indians made a rush for her, regarding her no doubt as an easy prey. But the few men on board had now got their fires started, and, seizing such arms as were at hand, gave their assailants a warm welcome. The captain and one of the men attempted to throw off the lines, but the bullets were flying so thick about them that they were compelled for a time to desist. The fireman was shot through the shoulder, while another man, who had seized a gun and jumped to a flatboat lying alongside, was shot and fell overboard. The engineer shot an Indian with his revolver, who had reached the gangplank and was already coming on board, while another was shot with an old dragoon pistol, in the hands of a man who had climbed on the upper deck.

By this time steam was up, and after taking two wounded men on board—a white men who had been driving an ox team, and a half-breed who was shot through the body,

the lines were cast off and the boat steamed out into the river. Those in the store saw her leave with rejoicing, for they knew that in time she would bring them help.

While the boats were getting away three men, named Watkins, Finlay and Bailey, who were at work on a new warehouse, attempted to reach the store. Those inside first saw Finlay coming toward them, and called to him to lie down behind a rock, for the bank above him was covered with Indians, for whose rifles he was an easy mark. He had scarcely taken shelter when the other two men appeared, running toward Finlay's place of refuge, with a troop of Indians following. There was nothing for the three to do now but make their best efforts to run the gauntlet of the Indian rifles to the store. This they started to do. Bailey was shot through the arm and leg, and plunging into the river swam to the front of the store, which he reached without further injury. Watkins was hit by a bullet in the wrist, shattering his forearm to the elbow. His pursuers were close upon him, but those in the store poured such a hot fire upon them, from their nine muskets, that they were glad to seek cover. Watkins took shelter behind a rock which offered its protection, and was compelled to remain there until the battle ended, two days and nights afterward. During this time he fainted several times from cold, exposure and the pain of his wound. When he fainted he would roll down the bank into the river, which would revive him, and he would then crawl up the bank again to his hiding place. Meantime his wife and children were in the store, and almost frantic because they could do nothing to help or relieve him. He died two days later.

During the two days that intervened before the steamer brought the troops to the rescue, the battle was continued

almost without interruption. There were forty men, women and children in Bradford's store, and several of them were wounded. Eighteen of the men and four of the women could and did fight bravely and almost continuously. The Indians made repeated efforts to set the building, and others near it, on fire by throwing flaming brands and hot rocks on them from the high bluff behind. Sometimes these were pushed off with long sticks and sometimes when this could not be done, and the roof began to take fire, the burning place was cut out, or the fire was quenched by cups of brine from a pork barrel, or a blazing board was pushed off and thrown so far away as to be no longer dangerous.

The besieged party suffered greatly for water during the first day of the battle. There was in the store two dozen bottles of ale, and a few bottles of whisky, but these were soon used up by forty persons. During the night a Spokane Indian, who was with Sinclair, volunteered to go to the river for water, and was hailed as a deliverer. Stripping himself almost naked he ran down to the river, filled his pail and was back in a moment. On the following night he filled four barrels in a similar way, and the party suffered no longer from thirst, while their fear of fire was greatly relieved.

As soon as it was dark and the first day's fighting began to lull, the Indians set fire to all the buildings they could approach, without coming within range of the muskets inside the store. These were never idle. Every moving object within range of the building, day or night, was fired at and many times with good effect, as there was reason to believe. For two full days and nights the men and women in this party kept their assailants at bay only by their utmost vigilance, and those who could not shoot, or fight fire, were

abundantly occupied in caring for the wounded and for the children.

While they were thus engaged the nine soldiers in the blockhouse, a mile and a half away, at the middle Cascades, were not less busily employed. Sergeant Kelly, who was in charge, had been suspicious that something was wrong for several days previously, from seeing some Indians, who were camped near by, and who were supposed to be friendly, wearing more paint than was their custom, and noting that they made frequent visits to the timber on the bluffs. On the morning he had sent one of the men to the upper Cascades for a canteen of whisky. He had procured it and was returning along the tramway, when the firing began. At the first fire he was shot through both legs, but managed to hide under the river bank until night, when he crawled to the blockhouse. Only three soldiers and the cook had been inside the defense when the first shots were fired. The others were walking up or down the river at a considerable distance, not suspecting that the Indians were near. Even when they heard the firing at Bradford's store they did not suppose it had been attacked.

But the Indian bullets soon began to strike the blockhouse, and a soldier standing just outside was struck and mortally wounded. The other soldiers and the two or three families living near by soon came running in. All the soldiers reached shelter in safety save one, who was on the hill cutting wood and was captured. That night he was put to death by torture, and his comrades could hear his screams and agonizing groans without being able to render him the slightest assistance. Several of the men, women and children who ran the gauntlet between their homes and the blockhouse were wounded. One of these, George Griswold,

might have escaped but for his confidence that the Indians knew and would not hurt him. His wound was mortal and he died soon after. A boy who had been sent down the river with a message, just before the attack was made, was struck by a bullet and disabled when within sight of the blockhouse. He lived for several hours after. Occasionally he would make an effort to rise, or beckon the soldiers to help him if they could, and would immediately be made a mark for many Indian rifles and arrows. The three men, who ran from Bradford's when the firing began, reached the blockhouse in safety, and became a valuable reinforcement to its defenders. With their rifles and the howitzer, for which they had fourteen rounds of ammunition, they made an active fight, from which the Indians retired near the close of the first day, but renewed the battle on the second, though without inflicting any further injury.

This party like that at Bradford's suffered greatly for both food and water during these two days.

Those at the lower Cascade suffered less during the fight than their neighbors. They were warned by the firing, particularly of the howitzer at the blockhouse, in time to barricade themselves in the strongest buildings, and were not attacked, except by their Indian neighbors, whom they had always, until now, regarded as friendly. Some of the families soon got away in small boats and escaped down the river to Vancouver, where they gave the alarm. Only one man was wounded. He was shot while attempting to push a boat out into the stream, but was not dangerously hurt.

The two little steamers which had been got away from their moorings amid so much excitement on the first morning

of the battle, did not return as quickly as they were hoped for, but on the morning of the second day the steamer Belle arrived at the lower Cascade, bringing Lieutenant Phil. Sheridan, who had left Vancouver at 2 o'clock on the morning of the 27th, with about forty dragoons, and a small cannon, which he had borrowed from a San Francisco steamer, which at the time was at the dock unloading military supplies. Only a narrow place was found for a landing, but on this the troopers disembarked, and Sheridan, with five or six of them, stole forward, under cover of some underbrush, to observe the Indian position. When they emerged from the shelter of this brush, they were greeted with a shower of bullets, one of which grazed Sheridan's nose, and killed a soldier standing by his side. The remainder of the command soon came up, but the position was such that they could do little. The borrowed cannon was brought up, and used to send a number of solid shot into the jungle to which the Indians had retired, and where they lay concealed, but seemingly without much effect.

This place was held until evening when Sheridan found means to transfer his force to the south bank of the river, along which he intended to march to a point opposite the blockhouse, and then cross to its relief. The undertaking would be hazardous, but it seemed to be the only means that promised to accomplish anything, and if the besieged parties were not rescued soon they would probably starve or be killed. So on the morning of the 28th, after giving the savages a few more shots from the cannon, the party withdrew to the river bank, embarked in a boat which had been secured for the purpose, and transferred across the river, landing just below the end of Bradford's Island. Here it was found necessary to tow the boat up stream—for

it would be needed to recross it—and the current was too swift for rowing. Ten men were assigned to this laborious task, and the remainder found their way, as best they could, along the south shore, to the place of rendezvous, opposite the blockhouse. With the ten men Sheridan then crossed back to the island, along which the boat was dragged with much difficulty, although the current was not so swift as along the mainland. The undertaking was a precarious one. Had the Indians discovered what was going on, and found means to cross to the island, the ten soldiers and their commander would have been at their mercy. But fortune favors the soldier who dares much, if he dares judiciously, and the enterprise succeeded.

Both parties reached the upper end of the island, and were ferried across to the Washington side, just as Colonel Steptoe, with a part of Wright's command, which had been recalled and brought down the river by the steamers Otter and Mary, arrived. The two forces were now united and the blockhouse was quickly relieved.

Sheridan then recrossed to the island, while Steptoe, who had already rescued the beleaguered party at Bradford's store, marched down the north shore. As was expected, Sheridan found the Indians who had pretended to be friendly until the hostiles arrived, on the island, and captured the whole party. They were very much frightened, and at first protested that they had taken no part in the fight, but when their guns were examined and found to have been very recently fired, they were disarmed and thirteen of them made prisoners. Ten of them were afterwards charged with treason—having violated their treaty—and nine of them were hanged by Colonel Wright's order, the tenth being reprieved on the gallows, and sent to

Fort Vancouver, where, for a long time, he wore a ball and chain.

During the three days of fighting at these three points, seventeen persons were killed and twelve wounded. The trails made by the Indians on their retreat were followed by the soldiers for ten miles, but they were not overtaken, nor was it ever ascertained what their loss had been in either killed or wounded. From indications left about their camps, and along their lines of retreat, it was judged that from two to three hundred had joined in the attack.

The body of the captured soldier, whom the Indians had put to the torture, during the first night of the siege, was recovered and buried. It bore many evidences of the brutality of his captors: the face had been crushed by a blow with some blunt instrument, the flesh on various parts of the body cut and burned, and death was finally inflicted by hanging with willow withes.

Brutal and inhuman as the treatment of this poor captive was, it was even less shocking than another crime which was committed by some white monster in the neighborhood about the same time. A friendly Indian, known as Spencer, had been engaged by Wright as an interpreter, as he passed up the river. When the troops were recalled by the attack on the Cascades this Indian, for some unknown reason, had started his wife, with their two half-grown boys, three younger girls and a babe, down the river to Fort Vancouver. The veteran hunter and trapper Joe Meek had seen them start, and was at the time solicitous for their safety, but Spencer had confidence that his own friendly relations with the whites, which were widely known, would protect them. A day or two later Meek inquired of Sheridan about them, and as no one could be found who had seen them, search was made

by the soldiers, and their dead bodies were found in the woods about a mile from the road, between the upper and lower landings. All had been strangled, a piece of rope about two feet long being still tightly knotted about the neck of all save the babe, which had been strangled with its mother's handkerchief. "In my experience," says General Sheridan, "I have been obliged to look upon many cruel scenes, in connection with Indian warfare on the plains since that day; but the effect of that dastardly and revolting crime has never been effaced from my memory." These poor creatures had been killed, as Sheridan thinks, by white people whose wives and children had been killed by hostiles, "but who well knew that these unoffending creatures had no part in these murders."

Wright now remained at the Dalles for a month, during which time Wool paid him a hurried visit, and the plan of his campaign was materially changed. He wrote Stevens on April 10th, that he now intended to march into the Yakima country, and make the Indians "understand that we are going to make a permanent settlement among them, break up their fisheries and harass them constantly, in order that they shall have no time for laying in a supply of food. By this course I think they may be brought to terms—perhaps not until midwinter." He also wrote Governor Curry that he was "much embarrassed by the wanton attacks of the Oregon volunteers on the friendly Indians" and asked the governor to withdraw them from the Walla Walla country.

But these heroic Oregon warriors did not wait to be recalled, or to further annoy the colonel, or his superior officer. They had been but poorly supplied either with food or clothing during the winter, their subsistence department being badly managed, and knowing that the regulars

would soon be in the field, Colonel Cornelius, who had now succeeded Nesmith, prepared to return home. But as he had recently received reinforcements, he resolved to make some use of them before doing so. Breaking camp on March 9th, he made a raid into the hostile country north of the Snake River, followed the Palouse for some distance northward, and then struck west across the country for the Columbia at Priest Rapids. On this long march his men suffered much from want of water and provisions, and subsisted largely on horseflesh. From the rapids the river was followed along its eastern bank to the mouth of the Yakima, where the command was divided, about half of it being sent to the Dalles by way of Fort Henrietta and the Umatilla, while Cornelius, with the remainder, marched up the Yakima. One day's march from the Columbia Captain Hembree, with a few of his men, were decoyed into an ambush, and Hembree was killed. Cornelius immediately charged the savages and recovered the body, but not until after it had been scalped. A running battle, lasting nearly a whole day, followed, in which six Indians were killed, while the volunteers suffered no further loss. This fight occurred on April 6th, and the Indians engaged were doubtless a part of those who had made the attack at the Cascades.

After this incident Cornelius crossed the country to the Dalles, and went thence down the river to the Willamette, where his men were mustered out. During their winter campaign these volunteers had inflicted more damage on the hostiles, and rendered the two territories a greater service than the regulars were permitted to give them in the two years following. Had they been better supplied, and maintained in the field until Shaw's command could reach them,

the war would have been ended, and all its objects gained, within the year.

Wright crossed the Columbia at the Dalles, and moved north on April 28th, following the same route that Haller and Rains had taken. His march was made in a leisurely way, as it well might be, since its object, under Wool's instructions, was only to establish a post, and "ascertain the feelings and dispositions of the several tribes." On May 18th he encamped on the Nachess, now so much swollen by the melting snows in the mountains that he was unable to cross it. On the opposite shore Indians were encamped in great numbers. They sent messengers to say that they were tired of war, and now wished for peace. They continued these gratifying assurances until June 11th, when Owhi and Te-i-as—doubtless representing Kam-i-ah-kan, who always did his lying by proxy when possible—gave assurance that within five days all their people would be present, and peace could then be agreed upon. A day or two later all the Indians disappeared, and after waiting for their return until the 18th, Wright crossed the river, over which he had now built a bridge, and marched with eight companies to the Wenass, leaving Steptoe with three companies to guard the Nachess, which was not threatened. On the 20th, Wright was in the Kittitas Valley, but could find no Indians. Still it did not apparently occur to him that they had tricked him, and he wrote Wool: "I do not despair of ultimately reducing these Indians to sue for peace. I believe they really desire it; and I must find out what outside influence is operating to keep them from coming in."

While here Wright narrowly missed a meeting with Shaw and his volunteers, who had now crossed the Cascades to coöperate with him, if he would permit, and if not to move

into the Walla Walla Country. Stevens had early tendered their assistance to Wright, who had declined it. He had proposed to Casey to unite the volunteers with the regulars, and cross into eastern Washington, but Casey had refused, and was now sending his regulars by way of Fort Vancouver and the Columbia. Finding that Wright did not intend to establish a post at Walla Walla at once, as Wool had directed, and as he had originally intended, and as it was necessary to send supplies to the Nez Perces, as had been promised, Stevens had been forced to send Shaw, with as many volunteers as could be spared, to operate on his own account. He knew from Craig, who was his agent among the Nez Perces, and from other sources, that the emissaries of the hostiles had been active for a long time, not only among the Nez Perces, but among the Spokanes and other tribes who had not yet yielded to their solicitations, but that unless the authority of the government was asserted in that region very soon, the hostiles would be greatly reinforced.

On June 18th he wrote to Wright: "The Walla Walla Valley must be occupied immediately to prevent the extension of the war in the interior. Kam-i-ah-kan has, since your arrival on the Nachess, made several attempts to induce the tribes thus far friendly, to join the war. He has flattered the Spokanes, where he was on the 25th of May, and has endeavored to browbeat the Nez Perces. The Spokanes have answered in the negative; and the Nez Perces will, I am satisfied, continue friendly. I am ready, as the superintendent of Indian affairs, to take charge of any Indians that may be reported by yourself as having changed their condition from hostility to peace. I am ready to agree to any arrangement which may be for the good of the Indians. I presume your views and mine do not differ as to the terms

which should be allowed the Indians, viz., unconditional submission, and the rendering up of all murderers and instigators of the war for punishment. I will, however, respectfully put you on your guard in reference to Leschi, Nelson, Kitsap and Quiemuth from the Sound, and suggest that no arrangements be made which shall save their necks from execution."

But Wright, under the influence of Wool's views and instructions, was in no humor to accept advice or suggestions from the governor. Indeed he was apparently convinced that he had no need of either, for on the very day that Stevens wrote the letter above quoted, he wrote to General Wool that notwithstanding the numerous difficulties and embarrassments that he had encountered "the war in this country is closed. We have penetrated the most remote hiding places of the enemy, and have forced him to ask for mercy." This was a curious announcement for a commander to make who had not yet struck a single blow, or even seen the enemy but once, since he had begun his campaign, and was now utterly unable to find him. But Wool accepted this announcment as genuine and, on the second of August, issued an order to Colonel Wright in which he said: "The general commanding congratulates you on your successful termina- of the war with the Yakimas and Klikitats." He then directed him, with the least possible delay, to move to the Walla Walla country, and gave these directions for maintaining the peace which both he and Wright now pretended to have secured: "No immigrants, or other whites, except the Hudson's Bay Company, or persons having ceded rights from the Indians, will be permitted to settle or remain in the Indian country, or on land not ceded by treaty, confirmed by the Senate, and approved by the president of the United

States, except the miners at the Colvile mines. These will be notified, however, that if they interfere with the Indians or their squaws, they will be punished and sent out of the country. It appears that Colonel Shaw, from Puget Sound, with his volunteers has come to the Walla Walla country. Colonel Wright will order them out of the country, by way of Fort Dalles. If they do not go immediately they will be arrested, disarmed and sent out."

It was said of Napoleon that "he made a solitude, and called it peace." Wool seemingly intended to make peace with the Indians by giving the country up to them, and permitting nobody to enter it with whom they could make trouble. They were to have peace of the same kind that they had before white people came to their country, and the army of the United States was to maintain it.

Shaw started from camp Montgomery on the 12th of June. His force consisted of 175 officers and men, from Company C, Captain Henness, Company D, Lieutenant Powell, Company J, Captain Miller, and a part of Major Maxon's Mounted Rifles. They were to be supplied by a pack train of 107 animals and 27 packers.

While he was marching over the Cascades, by the Nachess Pass, the volunteers recently enlisted on the Columbia were moved to the Dalles. This force consisted also of 175 men, under Captains Goff and Williams, with a train of 45 wagons and 35 pack animals.

On the 20th of June Colonel Shaw's command reached the Wenass River, which Wright had left only a day or two earlier, and he was still in the Kittitas Valley. About this time he wrote to Wool: "I have not overlooked, from the first, the evident determination of the volunteers to coöperate with the regular forces, to bring this war to a close; and

I have certainly resisted all advances. My efforts have been retarded, but not defeated by what was done."

Finding that Wright was determined not to coöperate with him, Shaw continued his advance, and on the 9th of July his force, and most of that under command of Captain Goff, which had advanced up the Columbia, came together on Mill Creek, near the ground on which the great council had been held a little more than a year before. There they met the Nez Perce auxiliaries, who had marched from their country under Lieutenant-Colonel Craig. On the march Goff had detached a part of his force, numbering about 75 men, on the Umatilla, to go to the assistance of Captain Layton of the Oregon volunteers, who was then confronted by a large number of the enemy in the Blue Mountains.

After conferring with the Nez Perce chiefs, who gave the strongest assurances of the friendship of their whole nation, Captain Robie, of the quartermaster's department, went forward without an escort, other than that furnished by the Nez Perces themselves, with the supplies which had been one of the objects of the expedition to deliver to that people.

Learning now that the hostiles were in the Grande Ronde, in considerable force, Colonel Shaw determined to march against them, and moving in the night by an unused trail, he fell upon the main body on July 17th, and struck one of the hardest and most brilliant blows of the war. The enemy at first attempted to draw him into an ambush, but he was too wary for this, and charged them so vigorously that they were driven back in confusion. Maxon was then sent to charge them on one flank and Miller on the other, while Henness and Powell moved forward on the main body which was reassembling in the center. Maxon found

some difficulty in crossing the river in his front, and his assault was accordingly delayed, but Miller's men did excellent work, while Henness and Powell's commands pushed on so steadily, that the Indians scattered and left the field in great confusion. They were pursued for a distance of fifteen miles, taking refuge at last in a rocky canyon, where they could be followed no further.

During this pursuit Maxon's force became separated from the main command, and did not regain it until more than twenty-four hours later. He met with some loss meantime, but inflicted much damage on the enemy. Shaw reported the Indian loss in this battle at 40, while many more were wounded. He also captured 150 horseloads of camas roots, dried beef, tents, some flour, coffee and sugar, about 100 pounds of ammunition, and a large amount of camp furniture.

Two days earlier Major Layton, with the Oregon volunteers, and the reinforcement sent him from Goff's command, had attacked another band of Indians on Burnt River, and utterly routed them, pursuing them to the headwaters of the Umatilla.

The losses of the Washington volunteers in those two battles were five killed, one severely and three slightly wounded.

Before the news of these battles reached the Nez Perce country the disaffected portion of that nation began to use threatening language, and ordered Captain Robie, who had just arrived with his train, out of their country. He returned by forced marches to Walla Walla, where he found Colonel Shaw, who had returned from his victorious campaign in the Grande Ronde. On learning what he had done there, the Nez Perces, in evident alarm, again began to make

protestations of friendship, but Shaw told them he was not disposed to be further deceived, and "if they beat their drums for war, he would parade his men for battle." The disaffected element accepted this declaration without protest and made promises of most complete obedience.

Believing this to be a favorable moment for doing away with disaffection, Stevens sent word to all the Indians, both friendly and hostile, to meet him at Walla Walla. It was made an express condition that the only basis on which a conference would be held, was that of absolute submission to the justice and mercy of the government. Colonel Shaw, who in obedience to his original orders had already communicated with the Indians to the same end, now sent the governor's message to all the tribes. The hostiles were directed to come without their arms, and they were guaranteed safe conduct coming to, at, and returning from the council grounds.

On the day this notice assembling the council left Olympia, the governor issued a proclamation calling for two hundred volunteers to strengthen Shaw's command, as the term of enlistment of nearly all his men was now expiring. At the same time he wrote Colonel Wright asking him to occupy the Walla Walla with regular troops, and to be present at the council. He met Wright on the Columbia, and having ascertained from him that he was dispatching a force of regulars to the valley, and that they would probably reach it in season for the council, he revoked his proclamation, and so left himself practically without an escort of his own. But believing that regulars would be on hand at the council, although Wright was unable to accompany him, from the press of other duties, he went forward confidently to the council grounds. Four companies of regulars,

under command of Lieutenant-Colonel Steptoe, reached the valley in September, and the volunteers, except a small company, that of Goff, were sent home to be mustered out.

Before reaching the valley the governor wrote Colonel Steptoe, suggesting that they should camp near each other, "to show the strength of our people, and the amity of our councils." After his arrival he personally urged the same course, but on Steptoe's refusing to assent to the arrangement, Goff's company of 69 men, which was about to be sent home to be mustered out, was retained to guard the camp

The council opened on the 11th and continued for two days without making any progress. By that time the temper of the Indians had become so alarming, that the governor asked Steptoe to send a company of troops for his protection, but this Steptoe declined, excusing himself on the ground that his train had been unloaded and sent back to the Dalles, and that his supplies required protection, and he was doubtful of his ability to defend both camps. "Under these conditions," he replied, "if you are resolved to go on with your council, does it not seem more reasonable that you shall move your camp to the vicinity of mine?" He then offered a company of dragoons to bring the governor to his camp, which was seven miles away, closing his letter by reminding him of the embarrassment occasioned by his request for troops, as he could not detach any because of certain instructions from General Wool.

Since there was nothing else to be done, the governor accepted the escort of the dragoons, and moved his camp that night to the vicinity of Steptoe's. On the way the party met Kam-i-ah-kan and his band, and the governor believed that it was owing solely to the fact that the old

chief had not discovered that he was about to move, before he started, that he was not attacked on the road. In his report to the secretary of war he said: "Kam-i-ah-kan had unquestionably an understanding, as subsequent events showed, with all the Indians except the friendly Nez Perces (about one-half the nation) and a small number of friendly Indians of the other tribes, to make an attack that day or evening upon my camp. He found me on the road, to his great surprise, and had no time to perfect his arrangement."

The result of this move was what might have been expected. The Indians saw there was a difference between the superintendent of Indian affairs and the military officer in command. It was impossible to bring them to any conclusion, although the council continued for four days longer.

At the end of that time Stevens made his preparations to return, taking with him his train, which was defended only by Goff's company and the teamsters. The day before he departed, Steptoe had notified the Indians that he had come among them to establish a post, and not to fight them and that he hoped they would be friendly. He had appointed the afternoon of the following day for a conference with them, but none of them appeared. They had followed Stevens and his party, who started for the Dalles about 11 o'clock in the forenoon, and attacked him about two hours later when he was within three miles of Steptoe's camp.

In reporting the battle which followed to the secretary of war the governor said: "So satisfied was I that the Indians would carry into effect their determination in the councils in their own camps, for several nights previously, to attack me, that, in starting, I formed my whole party, and moved in order of battle. I moved on under fire one mile to water,

when, forming a corral of the wagons, and holding the adjacent hills and the brush by pickets, I made my arrangements to defend my position and fight the Indians. Our position, in a low, open basin, some five of six hundred yards across, was good; and, with the aid of our corral, we could defend ourselves against a vastly superior force. The fight continued till late in the night. Two charges were made to disperse the Indians, the last led by Lieutenant-Colonel Shaw in person, with twenty-four men. But whilst driving them before him—some one hundred and fifty Indians—an equal number pushed into his rear and he was compelled to cut his way through them towards the camp. Drawing up his men, and aided by the teamsters and packers, who gallantly sprung forward, he drove the Indians back in full charge upon the corral. Just before the charge, the friendly Nez Perces, fifty in number, who had been assigned to holding the ridge on the south side of the corral, were told by the enemy: 'We came not to fight the Nez Perces, but the whites. Go to your camps or we will wipe you out.' Their camp, with the women and children, was about a mile distant, to which I directed the Nez Perces to retire, as I did not require their assistance; and I was fearful that my men might not be able to distinguish them from the hostiles, and thus friendly Indians might be killed."

Late in the afternoon the governor sent word to Steptoe, who must have been within sound of his guns, that he was fighting the Indians, but that he hoped to move on next morning. He asked that Steptoe would send him some assistance, but the colonel had now become alarmed for his own safety, apparently, and replied detailing the defencelessness of his situation, and inquired: "What do you think of returning to this camp, tonight or in the morning, taking

my baggage up in your wagons, and our moving off together?"

Although Steptoe's perversity had no doubt been largely responsible for the failure of the council; had encouraged the Indians to make their attack, and had left him for a whole day to defend himself alone, the governor assented to his proposition. He had probably been guided by the policy of his superiors, and perhaps was even carrying out their instructions. He was now evidently alarmed for his own safety, while the governor had maintained himself through one whole day's fight, with the loss of only one man mortally, one man seriously, and two slightly wounded. He could fight his own way out, but it was better to assent to Steptoe's proposition, and he did so. A company of dragoons, with a howitzer, was sent to his assistance during the night, and the Indians renewed the attack in the morning but were soon driven off.

Stevens now strongly urged Steptoe to build a blockhouse where he was, leave one company to defend it, and then go to the Dalles for an additional force, and supplies, and make a vigorous winter campaign, which would end the war. For this purpose he placed at his disposal all his teams and Indian employees.

But Steptoe could not determine the policy to be pursued, and his superiors still persisted in the course they had marked out. The results of it were beginning to appear. One-half the Nez Perces, hitherto friendly, had now become hostile, and the Spokanes, Cœur d'Alenes, Colviles and Okanogans were on the point of revolt. They saw that the regulars and volunteers were not working together in harmony, and even suspected that they did not belong to the same nation. Stevens wrote Davis that when the

Indians attacked him they did not believe that Steptoe would go to his relief. It was a curious commentary on the situation, that, while Stevens and his party were attacked by a combination of several tribes, among which the Yakimas were prominent, and whose greatest chief, the principal figure in the war, was present and directing the battle, Quieltomee, another chief who was in the fight, had with him a letter recently received from Colonel Wright—"Acknowledging his valuable services in bringing about the peace with the Yakimas."*

Wright made no immediate response to the governor's letter of June 18th, warning him against making any promises to Leschi, Nelson, Kitsap or Quiemuth. On the 19th day of August the governor made demand on him for their delivery to him for trial as murderers. To this Wright replied that while he had made them no promises, "Yet in the present unsettled state of our Indian relations, I think it would be unwise to seize and transport them for trial." To this the governor at once replied that if things were so unsettled in the Yakima, that the arrest of four or five murderers would lead to war, the sooner it began the better. The war had begun, in that place, in an attempt to arrest the murderers of Bolon and the Colvile miners, and if this demand were not inflexibly insisted on, it would be, in his opinion, "a criminal abandonment of the great duty of protecting our citizens." He therefore insisted upon their surrender, and gave notice that they would not be allowed on any of the Indian reservations. Upon receiving this letter Wright directed Major Garnett, in command at Fort Simcoe, to deliver up the Indians named at the earliest moment practicable. But they were not immediately delivered.

* Stevens to Davis, Oct. 22, 1856.

Late in October, Wool directed Wright to go to Walla Walla, in person, to supervise the completion of the post, and to see and talk with the tribes there, in order to ascertain their wants, feelings and disposition toward the whites, and also to "prevent further trouble, by keeping the whites out of the country." These instructions Wright carried out. His council with the Indians resulted only in many hollow protestations of friendship and amity, but his account of it was so satisfactory to General Wool that in reporting it to Washington he said: "The mail has arrived from Oregon, bringing the gratifying intelligence from Colonel Wright, and Lieutenant-Colonel Casey, that all is peace and quiet in the two territories of Oregon and Washington. Under present arrangements I do not believe the war can be renewed by the whites. The posts are well arranged to preserve peace, and protect the inhabitants from any hostility on the part of the Indians residing in the territories."

Peace had been made by yielding to the Indians all they wished, or by promising to do so, and of course it was delusive and disappointing. When Stevens learned what had been done he foresaw what the results would be, and made this earnest protest to the secretary of war:

"It seems to me that we have, in this territory, fallen upon evil times. I hope and trust some energetic action may be taken to stop this trifling with great public interests, and to make our flag respected by the Indians of the interior. They scorn our people and our flag. They feel they can kill and plunder with impunity. They denominate us a nation of old women. They did not do this when the volunteers were in the field.

"I now make the direct issue with Colonel Wright—that he has made a concession to the Indians which he had no authority to make—that, by so doing, he has done nothing but to get the semblance of a peace, and that by his acts he has, in a measure, weakened the influence of the service having the authority to make treaties, and having charge of the friendly Indians. He has, in my judgment, abandoned his own duty, which was to reduce the Indians to submission, and has trenched upon and usurped a portion of mine."

The volunteers were mustered out from time to time as their terms of enlistment expired, and the provisions, goods, teams, and materials purchased by the quartermaster, and for which there was now no further need, were sold, most of it at prices higher than were paid for it. "Our transportation has cost us nothing," Stevens wrote to Davis.* "Our people have let their animals go into the service from three to nine months, and have taken them back at a premium." The quartermaster's business had been admirably conducted in every respect. Provisions, clothing, and camp outfits had been procured when needed, even when it was most difficult to find them, and they had always been delivered, in camp or on the march, at the time the volunteers looked for them. The governor paid the quartermaster, General Miller, a high compliment for his efficiency, as he did also Adjutant-General Tilton, whose duties, though less arduous, had been performed faithfully and well.

It was to the volunteer soldiers, and their officers, that the people of the territory owed their deliverance. These were the worthy successors of that citizen-soldiery who fought

* Letter of Nov. 21, 1856.

with Putman and Warren at Bunker Hill, with Washington at Brandywine and Yorktown, and with Jackson at New Orleans. Without military training, and commanded by officers who knew as little as they did of military maneuvers, they went almost direct from their peaceful occupations to the battlefield, and stood to their work like veterans. In Indian warfare there is nothing so effective as a well-directed and courageous charge. It is a strenuous sort of fighting that savages cannot resist. It is at the same time the most difficult of all methods of fighting to manage successfully, especially with men who have never been in battle, and are wholly without drill or discipline. Veterans say they are sustained in such attacks by their knowledge of their fellows—by the certainty that their comrades on either side will not falter or desert them. But these volunteers had no such confidence, because they and their companions had not yet been tried. And yet Hays' men at Green River and Connell's Prairie, Kelly's at Walla Walla, and Shaw's at the Grande Ronde, made such movements as steadily and as grandly as Pickett's men marched up to Meade's guns on Cemetery Ridge, or Grant's charged those of Pemberton at Vicksburg.

Napoleon is said to have greatly admired the material of which Alexander's guard was composed, as he saw them at Tilsit—they seemed to be such an unthinking, unreflecting lot—so prompt to obey, without question. Yet he had no occasion to complain of his own guard, or his other soldiers on that score. But the American volunteer does not derive his courage from his stolidity or ignorance; his is not mere brute courage, that risks a worthless all in a worthless cause, as readily as in any other. It is born of his very intelligence

itself. He knows and realizes his danger, but the cause inspires him, and thus knowing and realizing, he has gone as deliberately and as grandly into such encounters as the Bloody Angle at Spottsylvania, as the Old Guard went to the assault at Wagram or Waterloo.

Chapter XLVIII.

MARTIAL LAW.

WHILE Governor Stevens was employed, as already described, in directing the movements of the volunteers, and endeavoring to coöperate with the regulars to restore peace to the country, other matters of serious importance claimed his attention and absorbed his energies.

After the Indians had been dispersed by the battle of Connell's Prairie, and Maxon and Swindall were scouring the southeastern part of Pierce County for the small bands into which it was known they had separated, it began to be suspected that some of the old-time employees of the Hudson's Bay Company were giving them aid and comfort. These men, like others of their kind, were married to, or living with, Indian women. Their homes were on the extreme border of the settlements, and the Indians could easily visit them, and return to the woods without danger of being observed. They were the only white people, at that time, who could live outside of the blockhouses or the stockades in safety. Their old-time acquaintance with the hostiles, as well as the fact that they were living with some of their women, made it probable that they would be visited by them, and that either by threats or persuasion, they would be prevailed upon to give them assistance. They would get information for them, if nothing else, that might help them to elude their pursuers. As time passed it began to be tolerably certain that they were getting food, and possibly ammunition, from them, and on March 2d it was determined to order them to Fort Nisqually. On the 8th, Isaac W. Smith, who was then acting as secretary of the territory—Mason having been sent to Washington to represent the necessities of the territory to the national authorities—was sent to these settlers, most of whom were living in the

neighborhood of Muck Creek, to deliver the order. Most, or all, of them obeyed it, but soon returned again, claiming that their houses or their stock needed their attention.

Late in March Captain Maxon, having found evidence that satisfied him of their guilt, arrested Charles Wren, John McLeod, L. A. Smith, Henry Smith and John McField, and sent them to Fort Steilacoom. "I consider them guilty of treason, and can prove Wren guilty of giving aid and comfort," he wrote the governor. "McLeod alleges that he has been robbed, but has evidently cached his property, as my men have found the things he says he has lost. I think it useless to try to get the Indians while these men are allowed to remain here."

Colonel Casey received these prisoners rather unwillingly, but, as the governor had sent them to him because there were no jails in the territory in which they could safely be detained, he could not well refuse. Within two days after their arrival Frank Clark and W. H. Wallace, two lawyers from Steilacoom, espoused their cause and prepared to sue out a writ of habeas corpus for their release. The application required to be made to Judge Chenoweth, of the third judicial district, of which Pierce County formed a part, and one of the lawyers set off for his home on Whidby Island to present it, and procure the writ. Learning by special messenger, hurriedly sent to him from Steilacoom in the night of April 2d, that this application was to be made, the governor, on April 3d, proclaimed martial law in Pierce County.

The proclamation recited the arrest of "certain evil-disposed persons" suspected of giving aid and comfort to the enemy, and that they were to be tried by military commission; that efforts were being made to withdraw them,

FORT STEILACOOM.

This was the first military post established on Puget Sound. Although known as a fort, it was scarcely more than a military camp. The officers and soldiers at first occupied the buildings owned by the Hudson's Bay Company, more commodious and substantial structures being erected in later years. After the soldiers were withdrawn in 1868, the buildings were purchased by the territory for an insane asylum.

Lacy in Grand Canyon, Arizona. Among other evidence that satisfied him was a letter from Charles Wren, John McLeod, L. A. Smith, Henry Smith and John McDonald, and sent them to Fort Steilacoom. "I consider them guilty of treason, and can prove Wren guilty of giving aid and comfort," he wrote the governor. "McLeod alleges that he has been robbed, but has evidently cached his property, as any man have found the things he says he has lost. I think it useless to try to get the Indians while these men are allowed to remain here."

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The proclamation recited the arrest of "certain evil-disposed persons" suspected of giving aid and comfort to the enemy, and that they were to be tried by military commission, that efforts were being made to withdraw them,

by civil process, from the control of the commission; and as war was being prosecuted through nearly the whole country, and the plans of the campaign might be frustrated, if the civil authorities interfered with the military in this matter, it was determined to suspend the functions of the civil officers in said county.

This was a bold move, made on very doubtful authority. Five years later President Lincoln, a far abler lawyer than Stevens—who made no claim to be a lawyer at all—and then occupying the one position of highest authority in the land, was doubting his own right to suspend the writ. The Constitution does not expressly declare who may suspend it, but says only that it "shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it." Mr. Lincoln was president of the United States, and, for the time being, the whole executive authority of the government, which the Constitution had created, was vested in him. Clearly he or the Congress was to suspend it, when it was to be suspended.* But as governor of a territory—one of the "possessions of the United States," and not yet a part of them—Stevens could not have felt himself in such a dilemma. He had nothing to do with the Constitution.

*Precedents for suspending the civil authority were not numerous in the United States before Mr. Lincoln's time. General Jackson had proclaimed martial law in New Orleans a short time before the battle, but in doing so had declared that he did it "on his own responsibility, not alone to the government, but to individuals," as the measure was "unknown to the Constitution and laws of the United States." He also arrested a judge who had issued a writ to take a prisoner out of his charge, but after the battle he surrendered himself to the court, and was fined $1,000 for contempt, which fine he paid. Twenty-six years later he was reimbursed by act of Congress, and this was in some sense an approval of his action. Martial law was also declared in Rhode Island by the legislature in 1842, during a heated political controversy. These cases are fully reviewed in the decision of the Milligan case. IV. Wallace.

His powers were derived solely from Congress, and were limited to such as were described in the act creating the territory, and the laws specially assigned for its government, and in these no such authority was mentioned. It is presumable that Stevens realized, at the time he issued this proclamation, that he was exceeding his authority. But more was depending on the issue, as now raised, than the holding of these men, and preventing them from aiding the enemy, if they were so disposed. It was still necessary to impress teams for the quartermaster's service, forage for their subsistence, and even grain and beef for the subsistance of the volunteers, now about to be sent across the range into the eastern part of the territory. To jeopardize their supply was not to be contemplated. To make sure of it, the authority by which they had been regularly supplied so far, and could without doubt be supplied thereafter, must be defended. He therefore acted on the principle which General Butler once declared to be one of the simplest and clearest maxims of the common law, viz.: "When in doubt take the trick." The act might not be approved; it might subsequently appear that his method was wrong, but meantime a most important result, in comparison with which the release or detention of these men was a matter of but little consequence, would be accomplished.

The proclamation caused some excited comment, as was to be expected, and developments were awaited by the public with some expectation. Colonel Casey, wishing to avoid the embarrassment of having to choose between a possible order of court, and the orders of the governor, notified the latter that he doubted whether his proclamation could relieve him from the obligation to obey the civil authority, and therefore he requested to be relieved of his prisoners.

They were accordingly removed to Olympia and confined in the stockade.

As the regular term of court in Pierce County would not begin until May 5th, it was not possible for the lawyers to bring the prisoners immediately to trial, or take any further steps to test the right of the military authority to detain them, and meantime, as is usual in such cases, the question at issue was more or less fully tried at the bar of public opinion. As ex-employees of the Hudson's Bay Company, and "squaw-men" they were not greatly in public favor, but they were not wholly without friends, or advocates for their cause. Discussion of their possible relations with the enemy, as well as of the justice or injustice of their arrest, continued, pending the assembling of court at Steilacoom, and the public temper became more and more excited.

As the day for opening court approached Judge Chenoweth, claiming that he was ill, and possibly wishing to avoid the embarrassment of the situation, asked Chief Justice Lander to preside for him. The chief justice was at that time captain of Company A, which was stationed on the Duwamish River above Seattle, where it had built a stockade. He accepted the invitation, and repaired to Steilacoom, where on the day appointed he opened court, but adjourned immediately in order that a message might be sent to the governor, in the hope of inducing him to revoke his proclamation. After a conference with Colonel Shaw, who was present, the message was sent, but the governor refused the request, and directed Shaw to enforce the proclamation.

On the morning of May 7th, at the appointed time, Judge Lander again opened court. Several deputy marshals had been busy during the previous day, in summoning citizens to be in attendance, as jurymen or otherwise, and some

twenty-five or thirty were present, together with the lawyers and court officers. As soon as court was called Colonel Shaw, with a file of volunteers, entered the room, arrested the judge and his clerk, and took them, together with the court records, to Olympia. A day or two later both were liberated.

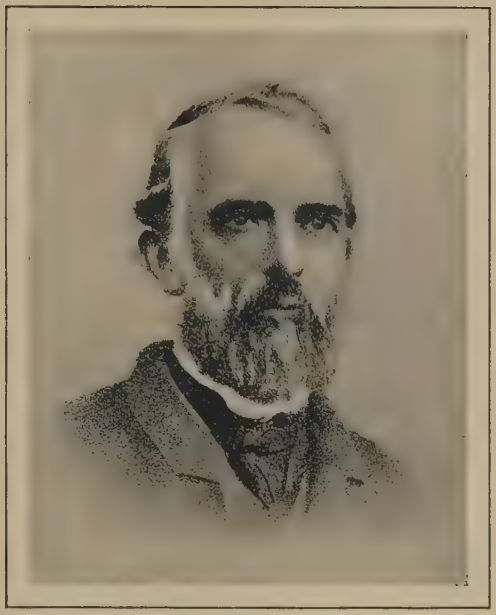
As soon as the soldiers with their prisoners had left the courtroom, the lawyers present held a meeting of the bar, and adopted resolutions denouncing the governor for having been guilty of "flagrant usurpation" and committing a "high-handed outrage." These were signed by W. H. Wallace, George Gibbs, Elwood Evans, C. C. Hewitt, Frank Clark, B. F. Kendall, H. A. Goldsborough, E. O. Murden and William C. Pease. Immediately afterward a citizens' meeting was held, at which these same lawyers were present, and similar resolutions were adopted, after a number of speeches had been made, in all of which the governor was roundly scored.

The resolutions adopted by these two meetings, together with a long memorial address, were duly forwarded to the president, and various members of Congress. In the address the governor was sharply arraigned for "high-handed tyranny" and usurpation of power. It was charged that the treaties he had made were the cause of the war, and he was accused of oppressing and persecuting the Indians, and with drunkenness and embezzlement. The very bitterness of these charges did much to defeat their object. It was known at Washington authoritatively, through the reports and bills already presented, that the governor was feeding a large number of Indians—some four or five thousand, in fact—at the expense of the government, so that he could not be very seriously oppressing and persecuting them. Besides Gibbs,

JUDGE EDWARD LANDER.

First chief justice of the supreme court of the territory of Washington. He was captain of Company A during the Indian war. Disregarded Governor Stevens' proclamation of martial law, and was arrested, and held a prisoner for some time at Fort Montgomery.

liberated.



who was one of the signers of the bar resolutions, and doubtless in some degree responsible for those of the citizens' meeting, and the address which accompanied them, had long before stated in writing, as heretofore shown, that the treaties were not the cause of the war. In the same paper he had also very clearly pointed out what the causes of the war really were. But while these facts were of record, and probably were more or less generally known, these resolutions and the address, together with other reports sent to the capital, had their effect in delaying the ratification of the treaties and prolonging and aggravating the troubles of both Indians and white people. In time the governor made his reply, in which, after stating the whole cause as he saw it, he said: "It is a question as to whether the military power, or public committees of citizens, without law, as in California, shall see that justice is done in this case."

A week after Judge Lander's arrest, court was to be held in Thurston County. This was in Lander's own district, and the proclamation did not apply to it. That the attorneys who had taken part in the meetings at Steilacoom, and particularly those who were endeavoring to secure the release of the prisoners, would make some move to bring the governor within the power of the court, either by contempt proceedings or otherwise, or perhaps that the court would itself take some action, was confidently expected. But the day before court was to convene another proclamation was issued, declaring Thurston County under martial law. As the first proclamation had been disregarded by Judge Lander it was but natural that this should be similarly treated, and court was accordingly convened on May 14th, at the hour appointed. Notice was immediately issued to the governor to appear and show cause why he should not be punished

for contempt, but no response was made to it. A warrant was then issued and this was also disregarded. On the following day an attachment, to be served instanter, was issued, and George W. Corliss, the marshal, who had succeeded J. Patton Anderson upon his election to Congress, with necessary assistants, was sent to bring the contumacious governor into court. He was found in the executive office, and greeted the posse with dignity, but did not surrender himself, or offer to accompany them. They did not attempt to take him by force, and the situation became embarrassing for a moment, when it was relieved by the clerks, under the lead of Adjutant-General Tilton and Captain Cain, who hustled the posse into the street.

Within a few moments a detachment of mounted volunteers rode into town, headed by Captain Bluford Miller, and upon hearing of their arrival, Lander adjourned court and went to the office of Elwood Evans, the clerk, which was in a small building of two rooms, in the immediate vicinity. Here Miller and his soldiers applied for admittance, a few moments later, and, finding the door locked, broke it down and arrested both the judge and clerk. Evans was released soon after, but Judge Lander was taken to Camp Montgomery, where he was detained until May 26th, when martial law was terminated by the governor's own proclamation.

It is worthy of note here that, during his detention, Judge Lander was guarded, during part of the time, by a tall rugged youth of nineteen, who perhaps at that time seemed as little likely to make a name for himself in the world as any other member of Captain Swindall's company. This same beardless youth had enlisted on February 2d, from Sawamish, now Mason, County, where his family then lived, and had done faithful service ever since. He had marched with

his comrades through rain and mud; had charged with them against the Indian center at Connell's Prairie, and fired shot for shot with the best of them in that day's battle. After the Indians were dispersed by that last battle in the Sound country, he had helped Maxon and his own captain to hunt them out of the canyons, and marshes, and the dense masses of timber in which they had taken refuge, during which time, he says, "we killed all we could, unless they surrendered at once," and now he was standing guard, as his turn came, over a Federal judge, who was a prisoner. This same beardless youth of that day is living yet, and in the newspaper world no name is perhaps more widely known, certainly none is more favorably known on this coast, or in the United States, than that of Harvey W. Scott of the "Oregonian."

On July 22d he was mustered out, and later went to Oregon to attend school, and never returned to Washington as his home. After leaving Forest Grove academy, where he studied during the winter months for several years, he secured employment on the "Oregonian," of which in time he became a part owner, and together with his partner, Mr. H. L. Pittock, they have, in something over fifty years, made the paper one of the most influential in the United States.

Immediately after the departure of the soldiers from Olympia with their prisoner, a public meeting was held in the street, at which Evans and Kendall were the principal speakers. The governor was as roundly denounced as he had been at the Steilacoom meeting. Both speakers were skilful in the use of invective, and probably never more skilful than on this occasion, but their efforts were not notably applauded. Following this a larger meeting of citizens was held at the blockhouse on the public square, at which the governor's action was approved, almost unanimously, and

a memorial strongly defending the course he had pursued was adopted and sent to Washington.

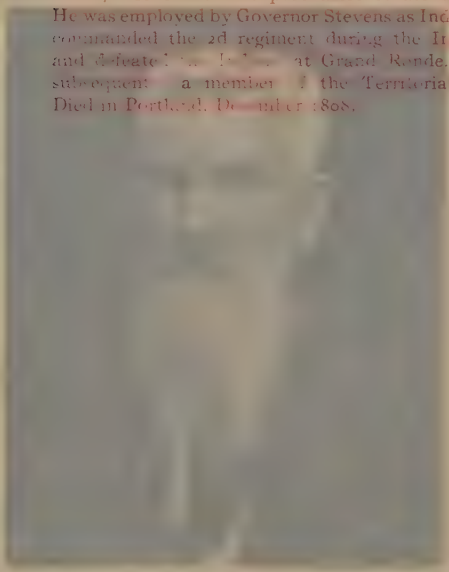
On May 23d Judge Chenoweth opened court at Steilacoom in disregard of the governor's proclamation. The first day nothing was done but to attend to some matters of routine, but the general expectation was that troops would be sent to arrest the judge, and fearing that this might be done—or perhaps after receiving some information to that effect—the judge summoned about fifty citizens to appear on the following morning for his protection. Many did so appear, and shortly afterwards Lieutenant Curtis, with about thirty men from Camp Montgomery, arrived. Seeing that resistance was likely to be offered, the lieutenant sent for reinforcements, and while waiting for their arrival Lieutenant-Colonel Casey appeared from Fort Steilacoom. He had been called upon by the court to come to his defense with his regulars, but had declined doing so, fearing that a battle might follow, and hoping to be able to show Curtis how to avoid a clash, or at least to persuade him or his men not to take any violent action. No reinforcements arrived, the matter was arranged, and court proceeded without further interruption.

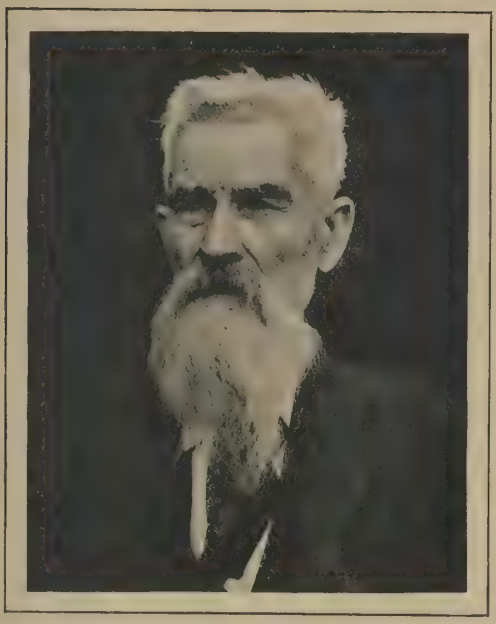
On the previous day the court had issued two orders directing Colonel Shaw to bring Judge Lander, and the prisoners who had been the cause of all this trouble, before the court for a hearing, as to the cause of their detention, but Shaw disregarded the order, as it was expected he would do. An attachment was then issued for his arrest, and he was brought into court, but, as he refused to produce the prisoners, he was ordered into the custody of the marshal to be held without trial.

By this time the prisoners had had a hearing before a military court held at Camp Montgomery, which had decided

COL. BENJAMIN F. SHAW.

This noted pioneer crossed the plains with his family in 1844 and settled at Olympia in 1847. He was one of the partners who built the first sawmill at Tumwater; also one of the purchasers of the brig Orbit. He was employed by Governor Stevens as Indian agent; commanded the 2d regiment during the Indian war, and defeated [illegible] at Grand Ronde. He was subsequently a member of the Territorial Council. Died in Portland, December 1808.





that the offense charged constituted treason, and it was without authority to try them. One of them had been discharged from custody, but the other three were held until an amended charge could be prepared.

There was now no further need for the exercise of arbitrary power. Shaw's two columns, which were to move by way of the Nachess Pass and the Columbia into eastern Washington, were nearly ready to start. Their supplies, and means for their transportation, had been procured. There were few hostiles remaining west of the mountains to which anybody could give aid and comfort. The governor was therefore about to proclaim martial law at an end, and he wrote to Judge Chenoweth, asking that Shaw be released on bail, or punished by fine, as there was urgent need for his services in the field. His trial was accordingly fixed for the November term, and he was released on his own parole. Within the next few days the prisoners at Camp Montgomery were again brought up for trial by the military court, when the judge-advocate, doubtless by authority, recommended that there be no further prosecution, and they were allowed to return to their homes.

At the July term of court, held by Judge Lander in Thurston County, Governor Stevens was again notified to appear and show cause why he should not be punished for contempt. He appeared by counsel, disclaimed any disrespect for the court, and represented that he had interfered with its authority only in response to extreme public necessity. Upon full hearing, a fine of $50 was imposed, and in response to this the governor filed with the court a document, in the form of a reprieve, in which, as an official, he pretended to give himself, as an individual, permission to postpone payment until the president could be consulted. But the court

refused to recognize this as effective, and ordered him into custody until the fine was paid, and it was paid accordingly.

Martial law was at an end, but there were consequences to follow, and they were not to be very agreeable to the governor. Every excess is followed by reaction and depression. A majority of the people had seemingly sustained him for the time being. The prisoners whose arrest had caused all the trouble were not popular. They were not native born, nor yet fully naturalized. They had declared their intention to become citizens, and had taken claims; some possibly suspected that they had declared their intention only in order that they might take claims. Many were prejudiced against them because of their mode of living, and some because of their former connection with the Hudson's Bay Company, which they remembered had long kept the American traders out of the country. It had also kept them, or some of them, from taking claims where they wished, while it had protected these people in possession of the claims they occupied.

But notwithstanding all this, everyone realized that his own right to have his day in court, to be confronted with his accusers, and know the nature of the charge made against him, had been violated in the persons of these prisoners. This is a right of which the free citizen everywhere is jealous, and it is well that he is so. The American people also are most jealous of the authority and the dignity of their courts, and this is also well. Many criticize them, and find fault with them, but they do not permit their functions to be suspended, except in case of the gravest danger; nor will they easily consent to see their authority limited, or their freedom of action circumscribed, and it is well that this is so, for otherwise their liberties would crumble.

The many protests, memorials and resolutions sent to Washington by the governor's opponents called down upon him much criticism in Congress. The supervision of the Indians in Washington and Oregon was committed to one superintendent, instead of two, by the next Congress, and Colonel Nesmith was appointed to the place. General Wool naturally made use of the opportunity to make further criticism and adverse comments. The president disapproved the governor's action, upon the decision of the attorney-general, Caleb Cushing, a great lawyer in his time, that "the power to suspend the writ of habeas corpus belongs exclusively to Congress," and that "the power to suspend the laws, and substitute military in the place of civil authority, is not within the legal attributes of the governor of one of the territories."

In his message to the legislature in December, the governor reviewed the circumstances which led to the issuance of his proclamation and said: "The testimony of the military officers in the field that their exertions were fruitless to find the enemy till the decisive step had been taken of ordering and keeping in the suspected persons, and that afterwards they repeatedly struck them, and effectually prevented their rallying again, is the best evidence of the necessity of the course taken by the executive. I took the responsibility as an incident of the war, and as necessary to its successful prosecution and termination. The whole territory was in a state of siege; more than one-half of the able-bodied men were in the field; the sole business almost of the territory was the war. It was no time for half-measures, or for running the risk of the slaughtering of our families and the destruction of our property.

"Not only was the executive frequently besought, previous to the proclamation of martial law, to enforce it all over the territory, but a military officer in command of regular troops was urgently advised to do so, over a portion of the territory, by persons who felt aggrieved by the action of the executive.

"When the time has come for all members of the community to resort to arms—when the officers of justice are in the field in command of troops, it would seem to be the dictate of patriotism, and to be an obligation of duty, to avoid a collision with the authority entrusted with the general defense. Least of all, would it be expected that the field should be abandoned, not only without orders, but without notice, to enter upon a course, the inevitable result of which was to bring about a collision, and engender strife and ill feeling amidst a population already too small when united, to defend itself from the common enemy, and leave hands enough at home to procure food for the coming year."

The last paragraph quoted has undoubted reference to the course of Chief Justice Lander, who, at the time he was asked to hold court for Judge Chenoweth, was captain of the volunteer company raised in Seattle, and then stationed on the Duwamish. It is clear that he might readily have excused himself from holding court outside his district, had he so desired. He had excellent reason for avoiding that service, if he had wished, in the fact that he was then serving the territory in another and very important capacity, and by the terms of that service, as sacred and binding as his oath of office as judge, he was obliged to obey the orders of his superior officers. This was an obligation that could not be readily laid aside, particularly to resume functions in which the order of his superior was certain to be called in

question, and he compelled to pronounce judgment upon it. Judge Lander claimed, or it was at least claimed for him, that he had not ceased to be judge because he had, with his neighbors, taken up arms for the common defence. This was undoubtedly true, but it was also true that he became a volunteer because his duties as judge permitted. He had put them aside, as the other volunteers had put their business aside, temporarily, for a specified time and purpose, and would resume them again when that time had expired, and the purpose been served, and there was need to do so. The need does not seem to have been urgent, that he should resume them at that time. The case was one calling for the exercise of tact and sound discretion, and by its exercise an exciting difficulty might have been avoided, although much of the criticism and abuse that was being heaped upon the governor at the time would perhaps have been diverted to himself. He appears to have felt that he was in something of a dilemma for, as the record shows, he resigned his office as captain on May 1st, before going to Steilacoom.

The legislature on January 24th passed resolutions declaring that, "in thus attempting to suspend the writ of habeas corpus, the governor undertook to exercise a power conferred by the Constitution of the United States on Congress alone, and that in any attempt to interfere with our courts of justice, or to try citizens before a military tribunal, he acted in direct violation of the Constitution and laws of the United States, and that any such attempt to exercise unconstitutional power, tends to the subversion of our Constitution, and calls at our hands for the strongest condemnation." This resolution was rescinded by the succeeding legislature, and there the matter, so far as Governor Stevens and the record made are concerned, ended.

Another incident that may or may not, in some more or less remote way, have grown out of the contest between the governor and the judge, followed soon after Judge Lander's release. On June 9th, an order, in the usual form, was sent from the adjutant-general's office to Lieutenant Denny, who had succeeded Lander in command of his company, directing him to leave eight men to garrison the blockhouse on the Duwamish, and march with the remainder of his command to Fort Hays, at Connell's Prairie, "to assist in cutting a road, to pass certain oxen over from Fort Hays to the falls of the Snoqualmie." Colonel Shaw was then about to start on his campaign across the mountains, and up to that time it had been supposed that he could go more conveniently, and be supplied more certainly by way of the Snoqualmie than by the Nachess Pass. Denny did not carry out this order, but on June 13th wrote Tilton that there seemed to be insuperable obstacles in the way of doing what was required, besides in his opinion more than eight men were needed to defend his post, and the farmers who had returned to the valley, and were growing crops which would be needed during the coming winter, and which they might be required to abandon if their protection was withdrawn.

To this the adjutant-general replied, modifying the order in regard to the number of men to be left, and directed him to procure canoes and go with the remainder by way of the Sound to Steilacoom, whence he would march to Fort Hays by way of Montgomery's. To this Denny replied on the 19th, more particularly discussing the danger of reducing the force at his post, and pointing out the impracticability of doing what he had been directed to do, in the way indicated. "A glance at the map," he thought, "would show that the shortest and most practicable route would be up

ARTHUR A. DENNY.

Born near Salem, Ind., June 20, 1822. His family subsequently removed to Knox County, Ill., and in 1851 crossed the plains to Oregon, arriving at Portland, August 22d, and at Alki Point on Puget Sound, November 13, 1852. He was leader of the party that explored the site and named the city of Seattle. Was a member of the Monticello convention in November 1852, and of the first House of Representatives after the territory was organized. Was first lieutenant of Company A during the Indian war. Was receiver of the land office at Olympia, and represented the territory for one term in Congress.

A. A. Denny

Very respectfully
A. A. Denny

the river to Camp Thomas, and thence by a march of a few miles to Fort Hays." But he could procure canoes for either journey only from the Indians, and to do this would advise them of the reduced force left to protect the town and fort, and invite an attack. He also claimed that by a private understanding between Judge Lander and the governor, the company had been "expressly organized for the protection of this immediate neighborhood; and that for this purpose, as well as for guarding the different avenues leading from the Sound to the interior, and thus preventing the transit of Indians to and from the reserves, its presence here was absolutely indispensable."*

In response to this letter, an order was at once issued, removing Denny from command, and another appointing Lieutenant Neely as his successor, and directing him to carry out the order first given. The reply to this was a letter dated Fort Lander, June 28th, and signed "Company A. W. T. Volunteers," and enclosing a series of resolutions, signed by the officers and all but one of the men of the company. These resolutions endorsed and approved the course of Lieutenant Denny, and declared the confidence of the signers in him as a commander. They pronounced his removal from command "an act of injustice," and " an insult to the company, wholly unjustifiable and uncalled for," and insisted that, "in justice to Lieutenant Denny, the commander should reinstate him in his command immediately."

*Denny was mistaken in this, for in his letter of February 1st to Lander, disbanding the company he had first raised, and directing the enlistment of another, the governor had expressly directed him "to accept the services of no volunteers, except for six months, and subject to the order of the executive. . . . Every man who enlists must do so with the understanding that he enlists for the general defence of the territory, and that he must move to any point, where his services, in the opinion of the commanding officer, are most needed."

Here was a case in which the citizen asserted himself, and the soldier forgot himself. These volunteers had not seen enough of military discipline to understand that with soldiers to question is to disobey, and they did not discriminate so far as to present a reasonable and proper request without putting it in highly improper form. Had they acted with more deliberation, particularly if they had learned all the circumstances leading up to this difficulty, they would probably have secured what they wished with but little trouble.

As the incident seems never to have been fully understood, it is worth while to state all the particulars in regard to it, so far as they may now be learned from the record. In order to use the Snoqualmie route for marching Shaw's command across the mountains, or supplying it after it reached there, it was necessary to open some sort of road from Fort Hays on White River to the falls. While Shaw was making his preparations, Captain De Lacy, the engineer officer, had been sent to explore a route between these two points, and on June 5th had reported from Montgomery's that it was impracticable to build a wagon road within the time allowed, though a trail for pack animals might be opened. This report Colonel Shaw forwarded to Olympia with a letter to Tilton, in which he said: "Now as everything is ready and the wagon train on hand, I propose to abandon the Snoqualmie route, push the wagon train on to the foot of the Nachess Pass with provisions, load the pack animals with forage, and cross at that point without further delay."

This report and letter reached Olympia, where Governor Stevens was then hurriedly making preparation to leave for the Dalles, and was answered by him on the same day,

approving Shaw's change of plan. Thus the need for doing what Denny was directed to do had disappeared four days before he was directed to do it, as the first order to him was dated June 9th.

During these four days both the governor and the adjutant-general were doubtless very busy in preparing for his absence, and it is now possible to understand the order only on the presumption that it had been determined on before De Lacy's report and Shaw's letter were received, and then laid aside in the hurry of preparing the orders which the changed situation would require, and in getting ready for the governor's departure. When Tilton came to take the matter up again, after the governor had gone, he knew that a wagon road was no longer needed, and therefore the order was made "to assist in cutting a road to pass certain oxen over." When Denny remonstrated against carrying it into effect, the adjutant-general acted entirely on his own responsibility in modifying it, and in insisting that it be carried out in a new and entirely impracticable way, and when Denny remonstrated again, he again acted on his own responsibility in removing him from command. This order and the one preceding it, although issued in the usual form, "by order of the governor and commander-in-chief," were in fact issued without the governor's knowledge, as he was at the Dalles at the time, and it was utterly impossible that he should know of them.

While Denny and the members of Company A may never have known that the thing they were ordered to do was no longer thought to be necessary, they all knew that the way they were directed to do it, by the second order, was entirely impracticable, and Denny's second protest was justifiable even if the danger of leaving his post with an insufficient garrison had not existed, and the injustice of the order

removing him from command was palpable to those who knew the circumstances, as the governor did when he learned of it. He returned from the Dalles on June 30th, but the matter was seemingly not brought immediately to his attention. The resolutions signed by the officers and men of the company, although dated June 28th, were not mailed at Seattle until July 22d, and were received at the governor's office about noon on the 23d. He then sent Lieutenent-Colonel Fitzhugh to explain to the company that they had placed themselves in an attitude of insubordination, that would prevent them from being honorably discharged, and to suggest that their resolutions be rescinded or withdrawn. But the colonel did not succeed. He first talked with the officers and then asked them to explain matters to the men. Then he had the company mustered, and talked to all together—begged them, as he says, "to give the lie to General Wool's statement that the volunteers were inefficient and disobedient," but only two withdrew their names. The remainder were dishonorably discharged; but the governor did not withhold his recommendation that they be paid the same as the other volunteers.

In later years Mr. Denny's political opponents sometimes attempted to use this incident to his disfavor, but their efforts were more or less futile. They could not show that he had refused to obey an order regularly given; at most he had only remonstrated against doing what was manifestly impracticable. His courage had been sufficiently proven at other times, and as he was not in command when the members of the company prepared and signed their protest, he could not be held accountable for their indiscretion. Had he asked for a court of inquiry, as he might have done, he would doubtless have been sustained, but the war was over,

and as the governor had condoned the technical breach of discipline by the members of the company by recommending that they be paid, he doubtless felt that there was no need to do this, and so the case was allowed to stand as it was.

On May 21st, another incident occurred, which, while in no way growing out of the events preceding it, helped to increase the public excitement and intensify the feeling between the volunteers, the people and the officers of the Puget Sound Agricultural Company. One of the volunteers from Camp Montgomery, while passing Fort Nisqually on that day, shot and killed an old Indian who was cutting wood not far from the road. It was as wanton an act as was ever committed. The murderer, whoever he was, was one of those brutal braggarts, so often seen by the immigrants on their way across the continent, who wanted to kill an Indian for the mere sake of killing. The Indian was a harmless creature, who had long been employed at intervals by Dr. Tolmie, and the wood he was cutting when he was killed was for the fort. The doctor immediately made complaint to Colonel Shaw, and at his suggestion visited his camp, accompanied by Edward Huggins, his assistant, and some Indians who thought they would be able to identify the murderer. The object of their visit was quickly guessed by the volunteers. The two companies at the camp were paraded, and the Indians pointed out a man named Lake, as the guilty party—or at least the man whom they had seen passing the fort about the time the Indian was shot. Colonel Shaw ordered that he be deprived of his gun and arrested, but some of his comrades surrounded him and declared he should not be taken. They became very tumultuous, cheered Lake and threatened his accusers. For a time it seemed as if the authority of their officers might be

set at defiance, and perhaps violence offered to Tolmie, and Huggins, but they were finally allowed to depart, though without having received any satisfaction, and it appears that Lake was never punished.

Wanton murders of Indians by white men had occurred before in the territory, as they have on the border everywhere, from the Atlantic to the Pacific, and one of these was the cause of much anxiety to both the governor and the people for a long time. It is believed to have been the remote cause of the murder of Colonel Ebey, on Whidby Island, and of the attack on the settlers of Bellingham Bay, in which David Melville and George Brown were killed and beheaded, and their heads carried away by their murderers.

The warlike character of the Haidahs, who inhabited the shores of Queen Charlotte Sound, has heretofore been mentioned. They continued to visit the Sound in considerable numbers, long after the settlers came. Though they came in their great war-canoes, they did not always come to make war. Some of them at times sought employment, and when they obtained it worked faithfully. A few of them were employed as scouts during the war and did good service.

In the spring of 1854 some of these Indians were employed by John L. Butler on his claim at Butler's Cove, about three miles north of Olympia. When they had completed the work they had engaged to do, they asked for payment, and a dispute arose, in which one of the Indians was killed by Butler and a man named Burt, who lived with him. The companions of the murdered Indian made complaint at Olympia, and Butler and Burt were arrested, but they were never tried or punished. The magistrate before whom they were arraigned discharged them, "because Thurston County

had no jail, and it would be an expense to the county to retain them in custody."

There were many white people in the territory at the time who denounced this proceeding, and the crime which led to it, but this did not improve matters, so far as these Indians were concerned. They saw that the white man's law did not punish the red-handed murderers of their fellow, and naturally resorted to their own. As many of the settlers knew, this placed their own lives in jeopardy, for the Indian held the murderer, his kindred and his kind all responsible, though not in an equal degree. It was expected that reprisal would be made and it was.

Late in May ten large war-canoes, each carrying from 50 to 75 warriors, arrived at Vancouver Island, where eight of the party killed a man named Bagley, whom they supposed to be an American, though he was not. On hearing of this outrage Governor Douglass dispatched officers to pursue and capture the murderers, but they concealed themselves among the San Juan Islands and escaped.

On Saturday, May 24th, two of these large canoes appeared in Bellingham Bay, and landed their hostile occupants on the shore near the house of Mr. Clayton, who went out to meet them entirely unarmed. They pretended to be friendly, and offered to sell some blankets, but their conduct aroused his suspicions, and on pretence of going to his house to get money, he fled to the woods. He was pursued for a considerable distance, but reached the house of Captain Pattle, five miles away, in safety. Some Lummi Indians living near by were sent to warn the other settlers in the neighborhood, and Pattle and Clayton, with five other white men, all unarmed except for an old musket with a broken lock, which Pattle had, secured a canoe and put off from shore, hoping

thus to be able to observe the movements of the Indians on both land and water, and make their escape if necessary. They remained on the water until near midnight, when they went ashore, thinking there were no hostiles in the neighborhood. But in this they were mistaken. An ambush had been prepared near the point where they landed. Two of the party, Melville and Brown, were left in the boat as a guard, and soon after the others had gone ashore, all were fired upon by the Indians. Those on shore fled to the timber and escaped, but Melville and Brown were killed and beheaded.

Having completed their bloody work the Indians sacked Clayton's cabin, and two days later fired into that of Alonzo M. Poe. They then visited Whidby Island, where they robbed several houses, after which they fled northward to their own country.

The settlers were at that time without means for giving pursuit, but when news of this marauding exploit reached Olympia, acting-Governor Mason went to Fort Steilacoom to make such arrangements as could be made there with the military, for the protection of the settlements, and then paid a visit to the lower Sound. There it was not possible to do much. The settlements were absolutely without means of defense, except so far as they could protect themselves, and must remain so until the government could send an armed vessel for their protection. On Mason's return to Olympia a militia company, with Colonel Ebey as captain, was enrolled, and arrangements were made to send it to any part of the Sound, upon call, by such means as could be secured at the time.

When the war clouds began to gather in the following year, all the settlers along the Sound realized that they were

more than ever liable to attack from these warriors from the north. The danger from this direction was a constant source of anxiety to Mason, and later to Stevens. Other murders of Indians by white men, and of white men by Indians, had occurred in the lower Sound country, at Crescent and Holmes harbors, Swinomish flats, and in the neighborhood of Seattle, and it was realized that these, or some of them, might at any time be made the pretense for new outrages. Efforts were accordingly made to procure the presence in the Sound of a warship, or other government vessel, that would help in a measure at least to protect the settlers and their families, and it was these efforts that led to the coming of the Decatur, the Active, and finally the more efficient steamer Massachusetts.

The latter vessel, commanded by Captain Swartwout, arrived soon after the attack on Seattle, and replaced the Decatur. The John Hancock, also a steam-vessel, which had until recently been exploring in Bering Sea, but which since her return had been refitted at the Mare Island navy yard, joined the Massachusetts, and both ships, during the summer and fall, made cruises through the lower Sound, keeping the Indians advised of their presence. Most of these had a wholesome regard for "piah ships" (fire ships) as they called them, and their mere presence was sufficient to keep them from committing any disturbance.

But the warlike Haidahs were not terrorized by them. They came and went, in large parties or small, as they had been accustomed to do, but without committing any mischief until November, when a party of them landed near Steilacoom and became so troublesome that Captain Balch applied to Colonel Casey to have them removed from the Sound. Casey ordered them to leave, but they were very impudent,

and would not go, and he invited Captain Swartwout to take them in hand. The same or another party had been making trouble in Henderson's Bay, where they had become involved in a pitched battle with some of the Sound Indians, and two of their number had been killed. By the time Swartwout arrived at Fort Steilacoom, they had all departed for the lower Sound, whither he followed them and, on the 20th, found a large party of them encamped near Port Gamble. Here he brought his ship to anchor, and sent Lieutenant Young to have a talk with them, and induce them to leave the country if possible. He was to offer to tow their boats to Vancouver Island if they would go; if not successful, he was to invite two or three of their chiefs to come on board and have a talk with the captain.

But the Indians would have no conference with him. They met Lieutenant Young's boat at the shore, in large numbers, and with their arms in their hands threatened to attack him if he attempted to land, and he was forced to return to the ship. A second and larger party, consisting of 45 men, was then sent with a howitzer, to repeat the offer, but the Indians were even more defiant than before, declaring that they would not go until they liked, and in no case would they permit the ship to tow their boats.

During the night the ship was moved as close as possible to the Indian camp, and moored so as to present her broadside toward it. A smaller steamer, the Traveller, and the launch of the Massachusetts, both having cannon on board, were also anchored in favorable positions for overawing the savages, and soon after daylight Lieutenant Semmes was sent to renew the demands made the day previous. After a long parley, in which the Indians still showed a very defiant and hostile spirit, he landed with twenty soldiers

and marines, taking the howitzer of the launch with him. The Indians then seized their arms and ran to the woods, where they took positions behind trees and logs and prepared for battle. A shot from one of the guns on the Traveller was now fired and the Indians answered with a volley. The battle soon became general. A broadside from the ship sent shell and grapeshot into the woods and thickets where they seemed to be thickest, doing great execution. Semmes and his men, being protected now by the fire from the ships, charged the camp and destroyed it, together with all the property it contained. The canoes, which had been drawn up on shore, were also destroyed save one, and that was disabled later in the day, to prevent the Indians from escaping. The battle continued during the whole day, the Indians firing from their hiding places whenever any of the sailors or marines showed themselves within range of their guns. During the afternoon a squaw, who had been taken prisoner, was sent to them, to say that if they would surrender they would be sent across the straits, providing they would promise never to return; but they returned the defiant reply that "they would fight as long as there was a man of them alive."

They held out stubbornly for two days, when hunger compelled them to yield. When the fight began they had 117 warriors present, besides their women and children. During the fight 27 were killed and 21 wounded, one of the latter being a chief. Being without canoes, or other means of leaving the country, they were now taken on board the Massachusetts and conveyed to Vancouver Island, where they were landed and furnished with provisions enough to supply them until they could again provide for themselves.

The loss, on the part of the Massachusetts, in the engagement was one man killed and one wounded.

The Haidahs left the country promising never to return to it, but they had hardly been set on shore in British Columbia before they began to threaten that they would have a "Boston tyee"* for every warrior they had lost. Knowing their implacable nature, the settlers realized that they would attempt to make this threat good, and they were for a long time thereafter the cause of much anxiety among the settlers, particularly during the war years. But it was impossible to make absolute defense against their attacks, and so no defense was made. On the 11th of August following, a party of northern Indians numbering about 200, as was supposed, called at Whidby Island and visited the home of Colonel Ebey, where they were kindly received. During the night they returned, called the colonel to the door, where they shot him, cut off his head and carried it away. George W. Corliss and his wife were in the house at the time, and together with Mrs. Ebey and her three children made their escape, the Indians firing a volley after them as they fled to the woods.

These Indians made no hostile demonstration against any of the other settlers in the vicinity, but soon disappeared, carrying Ebey's head with them. It was afterwards recovered by agents of the Hudson's Bay Company, who found it at the home of the Indians in British Columbia. It is not positively known that the murder of Ebey was a direct consequence of the murder of the northern Indian by Butler and Burt, on Budd's Inlet three years earlier, but many believed it was.

* A prominent American.

BLOCKHOUSE ON WHIDBY ISLAND.

The blockhouse was built during the Indian war. Wendle, named near the place, shot Colonel Eloy and others, and where he was subsequently murdered by the northern Indians.

The two on the east of the Mississippi, in the vicinity [illegible] and one [illegible].

The Haidahs left the country [illegible] to return to it, but they had hardly been set on shore in British Columbia before they began to threaten that they would have a "Boston time"* for every warrior they had lost. Knowing their implacable nature, the settlers realized that they would attempt to make this threat good, and they were for a long time thereafter the cause of much anxiety among the settlers, particularly during the war years. But it was impossible to make absolute defense against their attacks, and so no defense was made. On the 14th of August following, a party of northern Indians numbering about 200, as was supposed, came to Whidby Island and visited the home of Colonel Ebey, where they were kindly received. During the night they returned, called the colonel to the door, where they shot him, cut off his head and carried it away. George W. Corliss and his wife were in the house at the time, and together with Mrs. Ebey and her three children made their escape, the Indians firing a volley after them as they fled to the woods.

These Indians made no hostile demonstration against any of the other settlers in the vicinity, but soon disappeared, carrying Ebey's head with them. It was afterwards recovered by agents of the Hudson's Bay Company, who found it in the house of the Indians in British Columbia. It is not positively known that the murder of Ebey was a direct consequence of the murder of the northern Indian by Butler and Burt, as told in Judd's letter three years earlier, but many believed it was.

* A prominent American.

Late in January 1859, another tragedy occurred, supposed to be traceable to the same cause. On the 25th of that month, the schooners Blue Wing and Ellen Maria left Steilacoom for points down Sound, with some eleven persons on board, including officers and crews. Among them was Ernest Schroter, a merchant who owned the first-named vessel. Both ships were attacked by northern Indians when off the northern end of Vashon Island, and all on board were murdered, and the ships plundered and burned. An Indian known as Jim subsequently boasted of his connection with these murders, while in Victoria, and was arrested; but, upon a hearing before a justice, was discharged for lack of jurisdiction in the court to try the case. Subsequently an attempt to extradite him was made, but it failed and no one was ever punished for the piratical act.

APPENDIX.

I.

Seizure of the Cadborough.

The story of the seizure of the Cadborough in the fort journal is in Dr. Tolmie's handwriting and is as follows:

Saturday, April 13, 1850. In the afternoon Cadborough arrived, and having a large number of Indians in pay and rations, I employed them in discharging the schooner. A Mr. Huggins, lately from England on the Norman Morrison, arrived per Cadborough to act as clerk and shopman for one year. Mr. U. S. Ogden and Mr. Fenton arrived in the evening, bringing letters from Mr. C. F. Ogden, informing me that the Cadborough was to be seized for non-payment of duty when next at Nisqually.

Sunday, April 14, 1850. Rode out to see Captain Hill at Steilacoom, and met on the way Lieutenant Dement, of the U. S. A., coming with some soldiers under arms, to seize the Cadborough, which he accordingly did. I proceeded on to see Captain Hill, and learned that he had been instructed to detain the Cadborough until the arrival from Oregon City, of a Mr. Dore (Dorr) who would probably seize her. Returned to Fort Nisqually and went immediately on board the Cadborough, and found Lieutenant Dement on board, and in possession of the vessel, the British flag having by his orders been hauled down. Protested in presence of Captain Sangster and a Mr. Kenny, an American, against the seizure, on the principle that we were not smuggling, but were ready to pay duties as soon as a custom house and collector should be established on Puget Sound, or any properly authorized person appear to attend to the business. In the afternoon Mr. Dement had the Cadborough taken to Steilacoom by Mr. Kenny, and some of the soldiers who had formerly been sailors.

April 15—In the evening Mr. Dixon, mate of the Cadborough and Mahow (S. I.) Cook, arrived from Steilacoom, having at 5 p. m. been ordered by Captain Hill to leave the vessel, and Mr. Dixon states that when he applied to Captain Hill to know where he was to be quartered, the reply made was that he should come to me.

April 16—Having learnt from Mr. Dixon that Captain Sangster intended taking inventory of the rigging, sails etc. on board the Cadborough, sent Mr. Huggins down to assist, but that gentleman, on getting abreast of the Cadborough, found that he could not be admitted on board, without an order from Captain Hill, and it being too late to go in quest of one, he returned home without having seen Captain Sangster. In the evening I wrote Captain Hill an official note, requesting his reasons in writing for having seized the Cadborough, in order that I might report on the matter in the proper quarter. In the afternoon rode down to Steilacoom, and called on Captain Hill for an order to go on board the Cadborough,

which having obtained, in the shape of a drummer boy attendant, I went down and spent an hour with Captain Sangster, who requested me to send a canoe for him tomorrow. Sangster asked me whether I though he had better leave the vessel, and my reply was that I thought it would be better for him to do so, and that I did not see how his leaving could be prejudicial to the Company's interests.

April 17—Captain Sangster arrived in the afternoon.

April 18—Had a note from Captain Hill, stating that the inspector of customs for Puget Sound, Mr. Dorr, had arrived. Rode down in the afternoon to see him and learnt that he had seized the Cadborough, and was to be at Fort Nisqually tomorrow to seize the goods in the beach store, that have been brought by the Cadborough.

April 19—Clowdy—Mr. Dorr accompanied by Captain Hill arrived about 1 P. M. and after having some wine and cake, proceeded towards the beach store where, in presence of myself, Mr. Dixon of the Cadborough, and Captain Hill, and calling Glasgow the squatter as a witness, he seized on all the imported goods in the store, including the Oahu salt and the wheat from Victoria. He said he did not feel quite certain about seizing the salt, but would give his agent Glasgow positive information on the subject tomorrow. He compared the packages in the store with the invoice and bill lading which I had shown him, and having some doubts regarding the contents of a keg of nails he had it broken open—Before leaving he committed the store and its contents to Glasgow's care and gave him the key in charge—He agreed however that as we had some Columbia River flour, with some hides and lumber in the store, that were not seizable, Glasgow should come and open the store as often as access to it should be required—On returning to the fort I applied for the invoice and bill lading, but Mr. Dorr stated that as the ship had no manifest he should retain the invoice and bill lading instead, whereupon I had a copy taken of the invoice. Mr. Dorr then, as a matter of courtesy, as he said, to the officers of the Cadborough and myself, read me his instructions which required him to seize any vessel found violating the revenue laws, in particular the schooner Cadborough, or "Beaver Steamer"—The instructions also empowered him to enter and examine any building where he supposed smuggled goods were stored, and after finishing reading them, he demanded the keys of our stores, and entering seized the imported goods therein—He entrusted the keys to Glasgow for the night—I made several remonstrances against his proceeding but without effect—he maintained that he was justified in seizing any goods landed since the ratification of the boundary treaty in 1846. As a favor, he allowed me to have a few blankets, shirts, and other articles for the payment of Indian labor.

April 20—Busy in the stores from sunrise till evening, assisted by Captain Sangster, Mr. Dixon, Huggins, & C. Ross, and occupied in making

the inventory of goods seized by Inspector Dorr yesterday, which after account taken, were removed into store No. 2. Mr. Glasgow was present, and when the above mentioned operations were concluded, he put the custom house seal on store No. 2. Have decided on proceeding to Victoria tomorrow morning to communicate with Mr. C. F. Douglas on the doings of the U. S. authorities at this place.

II.

The Monticello Memorial.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

The memorial of the undersigned, delegates of the citizens of Northern Oregon. in Convention assembled, respectfully represent to your honorable bodies, that it is the earnest desire of your petitioners, and of the said citizens, that all the portion of Oregon Territory lying north of the Columbia river, and west of the great northern branch thereof, should be organized as a separate Territory, under the name and style of the Territory of Columbia.

In support of the prayer of this Memorial, your petitioners would respectfully urge the following, among many other reasons:

First. That the present territory of Oregon contains an area of 341,000 square miles, and is entirely too large an extent of territory to be embraced within the limits of one state.

Second. That said territory possesses a seacoast of 650 miles in extent. The country east of the Cascade Mountains, is bound to that on the coast, by the strongest ties of interest, and inasmuch as your petitioners believe that the Territory must inevitably be divided at no very distant day, they are of the opinion that it would be unjust, that one state should possess so large a seaboard, to the exclusion of that of the interior.

Third. The territory embraced within the boundaries of the proposed Territory of Columbia, containing an area of about 32,000 square miles, is in the opinion of your petitioners, about a fair and just medium of territorial extent to form one state.

Fourth. The proposed Territory of Columbia presents natural resources, capable of supporting a population at least as large as that of any state in the Union, possessing an equal extent of territory.

Fifth. Those portions of Oregon Territory lying respectively north and south of the Columbia river, must from their geographical position, always rival each other in commercial advantages, and their respective citizens, must, as they now are, and always have been, be actuated by a spirit of opposition.

Sixth. The southern part of Oregon territory having a majority of voters, have controlled the Territorial Legislature, and Northern Oregon

has never received any benefit from the appropriations made by Congress for said Territory, which were subject to the disposition of said Legislature.

Seventh. The seat of the territorial legislature is now situated, by the nearest practicable route, at a distance of four hundred miles from a large portion of the citizens of Northern Oregon.

Eighth. A great part of the legislation suitable to the south is, for local reasons, opposed to the interests of the north, inasmuch as the south has a majority of votes, and representatives are always bound to reflect the will of their constituents, your petitioners can entertain no reasonable hopes that their legislative wants will ever be properly regarded under the present organization.

Ninth. Experience has, in the opinion of your petitioners, well established the principle that in states having a moderate sized territory, the wants of the people are more easily made known to their representatives; there is less danger of a conflict between sectional interests, and more prompt and adequate legislation can always be obtained.

In conclusion your petitioners would respectfully represent that Northern Oregon, with its great natural resources, presenting such unparalleled inducements to immigrants, and with its present large population, constantly and rapidly increasing by immigration, is of sufficient importance, in a national point of view, to merit the fostering care of Congress, and its interests are so numerous, and so entirely distinct in their character, as to demand the attention of a separate and independent legislature.

Wherefore your petitioners pray that your honorable bodies will at an early day pass a law, organizing the district of country above described under a Territorial Government, to be named the "Territory of Columbia."

Done in convention assembled at the town of Monticello, Oregon Territory, this 25th day of November A. D. 1852.

R. V. WHITE,
Secretary.

G. N. MCCONAHA,
President of the Convention.

C. S. HATHWAY.
A. COOK.
A. F. SCOTT.
WILLIAM N. BELL.
L. M. COLLINS.
N. STONE.
C. H. HALE.
E. J. ALLEN.
J. R. JACKSON.
A. WYLIE.

B. C. ARMSTRONG.
S. S. FORD, SR.
W. A. L. MCCORKLE.
N. OSTRANDER.
E. L. FERRICK.
H. MILES.
Q. A. BROOKS.
E. H. WINSLOW.
A. A. DENNY.
G. B. ROBERTS.

F. A. Clarke.
J. N. Low.
A. J. Simmons.
M. T. Simmons.
L. B. Hastings.
Seth Catlin.
S. Plomondon.
G. Drew.
J. Fowler.
A. Crawford.
P. W. Crawford.
L. L. Davis.
S. D. Ruddell.
A. S. Dillenbaugh.
D. S. Maynard.
William Plumb.
C. C. Terry.
H. A. Goldsborough.
H. C. Wilson.
H. D. Huntington.
C. F. Porter.
S. P. Moses.

III.

Thurston's Letter.

Extract from Delegate Samuel R. Thurston's personal letter to members of Congress, in regard to the land claim of Dr. John McLoughlin:

"I will next call your attention to the eleventh section of the bill, reserving the townsite of Oregon City, known as the 'Oregon City claim.' The capital of our territory is located here; and here is the county seat of Clackamas county. It is unquestionably the finest water-power in the known world; and as it is now, so it will remain, the great inland business point for the territory. This claim has been wrongfully wrested by Dr. McLoughlin from American citizens. The Methodist Mission first took the claim, with a view of establishing here their mills and mission. They were forced to leave it, under the fear of having the savages of Oregon let loose upon them; and successively a number of citizens of our country have been driven from it, while Dr. McLoughlin was yet at the head of the Hudson's Bay Company, west of the Rocky Mountains. Having at his command the Indians of the country, he has held it by violence and dint of threats up to this time. He had sold lots up to the 4th of March, 1849, worth $200,000. He also has upon it a flouring mill, granaries, two double saw-mills, a large number of houses, stores and other buildings, to which he may be entitled by virtue of his possessory rights, under the treaty of 1846. For only a part of these improvements which he may thus hold, he has been urged during the last year to take $250,000. He will already have made a half million out of that claim. He is still an Englishman, still connected in interest with the Hudson's Bay Company, and still refuses to file his intentions to become an American citizen, and assigns as a reason to the Supreme Judge of the territory that he cannot do it without prejudicing his standing in England.

"Last summer he informed the writer of this, that whatever was made out of this claim was to go into the common fund of the Hudson's Bay

Company, of which he and the other stockholders would share in proportion to their stock; in other words, that he was holding this claim for the benefit of the company. Now, the bill proposes to reserve this claim, subject to whatever rights he may have to it, or any part of it, by virtue of the treaty, and confirms the title to all lots sold or donated by him previous to March 4, 1849. This is designed to prevent litigation. That day is fixed on because, on that day, in Oregon City, Governor Lane took possession of the territory, declaring the laws of the United States in force, and apprising Dr. McLoughlin and all others, that no one had a right to sell or meddle with the government lands. Dr. McLoughlin ought to have been made to pay back $200,000; but, not wishing to create any litigation, the committee concluded to quiet the whole matter by confirming the lots. Having in this way made $200,000, and his possessory rights, if it shall turn out that he lawfully acquired any, being worth $300,000 more, the people of Oregon think your bounty is sufficient to this man, who has worked diligently to break down the settlements ever since they commenced; and they ask to save their capital, their county-seat, and the balance of that noble water-power from the grasp of this British propagandist, and bestow it on the young American generation in Oregon in the shape of education, upon whom you and the country are to rely to defend and protect the western outposts of this glorious Union.

"When the Methodist Mission was driven from this claim, they went onto an island in the middle of the river, and constructed mills and made other improvements. This island is known as Abernethy Island, and is of no value, except for the improvements upon it. It consists of about two acres of barren rock. This island was subsequently sold to George Abernethy, and the bill ought to confirm the same to Abernethy or his assigns. This is a simple act of justice to American citizens, who now have their mills and property staked on those rocks, and on which, for a long time, stood the only mill in the valley where an American could get any grain ground for toll."

IV.

Treaty of June 15, 1846.

Treaty between the United States of American and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington on the 15th of June 1846.

Art. 1. From the point on the 49th parallel of North latitude, where the boundary laid down in existing treaties and conventions between Great Britain and the United States terminates, the line of boundary between the territories of her Britannic Majesty and those of the United States shall be continued Westward along the 49th parallel of North latitude to the middle of the channel which separates the continent from

Vancouver's Island, and thence Southerly through the middle of the said channel, and of Fuca Straits, to the Pacific Ocean: Provided, however, that the navigation of the said channel and straits, South of the 49th parallel of North latitude, remain free and open to both parties.

Art. 2. From the point at which the 49th parallel of North latitude shall be found to intersect the great Northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood that all the usual portages along the line thus described, shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

Art. 3. In the future appropriations of the territory south of the 49th parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said territory shall be respected.

Art. 4. The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said Company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole or of any part thereof, the property so required shall be transferred to the said government at a proper valuation, to be agreed upon between the parties.

Art. 5. The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by her Britannic Majesty; and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

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